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Author(s): Karl Loewenstein

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MILITANT DEMOCRACY AND FUNDAMENTAL RIGHTS, I*

KARL LOEWENSTEIN
Amherst College

I

Fascism a World Movement. Fascism is no longer an isolated incident in the individual history of a few countries. It has developed into a universal movement which in its seemingly irresistible surge is comparable to the rising of European liberalism against absolutism after the French Revolution. In one form or another, it covers today more areas and peoples in Europe and elsewhere than are still faithful to constitutional government. Fascism's pattern of political organization presents a variety of shades. One-party-controlled dictatorships rule outright in Italy, Germany, Turkey, and, if Franco wins, also Spain. The so-called "authoritarian" states may be classified as belonging to the one-party or multiple-party type. To the one-party authoritarian group, without genuine representative institutions, adhere at present Austria, Bulgaria, Greece, and Portugal; while Hungary, Rumania, Yugoslavia, Latvia, and Lithuania may be classed together as authoritarian states of the multiple-party type, with a semblance of parliamentary institutions. Poland is at the present time in process of being transformed from a multiple party state into a one-party dictatorship. Without being nominally fascist, all of these states are authoritarian to the extent that the group in power controls public opinion as well as the machinery of government. Moreover, for purposes of the present tabulation it is of slight importance that in some of them the dominating group is, at least supposedly, on the defensive against fascist movements proper, mainly because of the threat "*Ôte-toi que je m'y mette.*"

Of democratic countries with constitutional government, there

* This article covers developments to April 1, 1937.

remain at present only Great Britain and the Irish Free State, France, Belgium, the Netherlands, Switzerland, the Scandinavian countries (Sweden, Norway, and Denmark), Finland, Czechoslovakia, and, with some reservations, Estonia.

General characteristics and special features of dictatorial and authoritarian government are too well known to be repeated here. Expressed in an empirical formula, such government is a supersession of constitutional government by emotional government. Constitutional government signifies the rule of law, which guarantees rationality and calculability of administration while preserving a definite sphere of private law and fundamental rights. Dictatorship, on the other hand, means the substitution for the rule of law of legalized opportunism in the guise of the *raison d'état*. By the fusing of private law completely into public law, no trace of individual rights and of the rule of law is left. Positive law is no longer measured in terms of constitutional legality, but only in terms of unchallengeable command. Since, in the long run, no government can rely only on force or violence, the cohesive strength of the dictatorial and authoritarian state is rooted in emotionalism, which thus has supplanted the element of legal security in the last analysis determining constitutional government. The technical devices for mobilizing emotionalism are ingenious and of amazing variety and efficacy, although recently becoming more and more standardized. Among them, besides high-pitched nationalist enthusiasm, the most important expedient, perhaps, is permanent psychic coercion, at times amounting to intimidation and terrorization scientifically applied. A pertinent illustration chosen from the experience of a democracy may clarify the vital difference between constitutional and emotional methods of government. The solution of the recent political crisis in England by the cabinet and the Commons was sought through rational means. To have left the issue to the verdict of the people would have been resorting to emotional methods, although general elections are manifestly a perfectly legitimate device of constitutional government.

Fascist International in the Making. In addition to these more or less uniform features of internal organization, a closer transnational alignment or "bloc" of fascist nations, a "Union of Europe's Regenerated Nations," a fascist International of the multi-colored shirts, is clearly under way, transcending national

borders and cutting deeply across historical diversities of traditionally disjointed nationalisms. The modern crusaders for saving Western civilization from Bolshevik "chaos"—a battle-cry which in all countries gone fascist has proved invaluable—for the time being sink their differences and operate jointly according to a common plan. Under this missionary urge, which is one of the most astounding contradictions of a political system based on the superiority complex of each individual nation, what exists of distinguishing marks in program, ideology, and nationally conditioned premises of *Realpolitik* shrinks to insignificance. In Spain, a mélange of fascist "volunteers" and mercenaries from many countries wage war against international battalions of anti-fascists.

By the same token, close contact and coöperation between the headquarters of international fascism in Berlin and Rome and the outposts in the various countries still adhering to democracy is established, expert advice is sought and readily given, semi-official calls of the fascist leaders from foreign countries are no longer dissimulated, and, as reported from reliable sources, the spiritual radiation of techniques and stratagems is intensified by substantial monetary support. A pattern of a specific technique of fascist penetration and conquest has been developed which, after having proved its efficacy in the larger fascist countries, is eagerly adjusted to national conditions by all fascist movements in the making.

Fascist Movements in Countries Still Democratic. Be it noted that fascist groups or parties openly or secretly exist today in all countries which have remained faithful to the rule of law. In Belgium, the Rexists under Léon Degrelle have become an alarming threat to the democracy; France displays a variety of semi-fascist, authoritarian, or more modestly styled "renovation," movements, the most notorious of which, the dissolved *Croix de Feu*, has been resuscitated as the camouflaged *Parti Français Social*; Switzerland's public life is marked by various "fronts," particularly in the cantons of Zürich, Schaffhausen, and Geneva; Norway has the National Socialists of Major Quisling; fascists in the Netherlands follow, among others, Mynheer Mussert; Ireland has her Blueshirts under General O'Duffy; Denmark and Sweden have their local varieties; and in England Sir Oswald Mosley preaches and practices the new gospel.

Without going into details, the political situation of fascism in the various democracies may be summed up as follows: In Sweden,

Norway, and Denmark, the "authoritarian" movements have thus far been rather negligible; numerically unimportant, National Socialism has gained access to none of the national parliaments, although occasionally representatives are elected to communal bodies. In the Netherlands, the Nazi party in 1935 achieved considerable success in the elections for the provincial legislatures and for the First Chamber of the national parliament, polling about eight per cent of the total vote; although since that time the movement seems to have lost ground. In Belgium, at the general elections of May, 1936, the new Rexist party of Degrelle won a striking victory, mainly at the expense of the Catholic and Liberal parties, polling more than ten per cent of the total vote and sending twenty-one deputies to the House of Representatives. In addition, the Flemish Nationalists, who are equally inclined to authoritarian methods, doubled their previous quota of eight seats. When, however, Degrelle, relying on what he believed to be a growing popularity of the movement, forced a by-election in Brussels in April, 1937, the government parties took up the challenge and Premier van Zeeland inflicted upon him a severe defeat. Some observers interpret this election—perhaps prematurely—as the turning of the fascist tide in Belgium and elsewhere.

In France, the various fascist or authoritarian groups did not compete with the regular parties at the general elections of April-May, 1936. Their strength cannot be measured in terms of votes, but Colonel de la Rocque claims for his new French Social party a following amounting to not less than two millions. The other more outspokenly fascist groups have been dissolved, and in any case were numerically and politically of no great importance. In the Irish Free State, the Blueshirts are not represented in the Dáil, and in England Mosley's Union of British Fascists apparently has attracted, by noisy propaganda, much more public attention than its numerical strength justifies; the municipal elections in London in March, 1937, revealed its voting strength as negligible, not a single fascist candidate being returned. Fascist parties are prohibited or under severe legal restrictions in the Baltic states, in Finland, and in Czechoslovakia. This fact, however, is no evidence of their actual disappearance. In Czechoslovakia, Herr Konrad Henlein has reconstituted the dissolved German National Socialist party in the form of a legal political party, the Sudetendeutsche Partei; and in the general elections of May, 1935, this party polled

more votes than any other and obtained forty-four seats in the House of Representatives, i.e., only one seat less than the leading Czech government party. Strong fascist or National Socialist movements exist, although nominally proscribed or suppressed, in Rumania, Hungary, Bulgaria, and Yugoslavia.

The programmatic and ideological ingredients of this widely ramified movement of international fascism are surprisingly uniform: hatred toward communism and its kin, Marxism and socialism; antisemitism, with the notable exception of Italy, although even here, evidently under the influence of the "Berlin-Rome axis," a change in attitude is noticeable; hostility to freemasons, pacifists, and similar international organizations; the "leadership" principle and abolition of liberal democracy and its institutions; a hazy sort of corporativism; general house-cleaning under the slogans of "regeneration" and "renovation;" rampant nationalism. Recruits are usually drawn from the depressed middle classes, from some sections of the intelligentsia, and most of all from the youth, with a fair sprinkling of retired army officers and disgruntled politicians. On close observation, a similarity of the personalities of the "leaders" is discernible also. If available, a man from the lower middle class or from the proletarian stratum is preferable to an intellectual, which accounts for the juxtaposition of M. Doriot to Colonel de la Rocque in France. For technical reasons to be shown later, the actual personality of the leader is not of primary importance. In spite of slight national differences, the similarities of the fascist movements in the various democratic countries are so striking as to betoken, at least to a superficial observer, common causations of origin and growth.

Impossibility of Explaining International Fascism by a Common Causation. Surprisingly enough, however, none of the commonly assumed motives of fascism holds good. No longer are only the nationally frustrated nations breeding fascist nationalism. None of the Scandinavian countries, nor yet France, Spain, or Belgium, suffers from thwarted national ambitions. Nor is it true that nations endowed with the experience and tradition of self-government are immune from the fascist virus. France and Belgium, at present most exposed to fascism, prove the contrary. Nor can it be held that economic pressure is alone responsible for driving people to political quacks and spell-binders. The depression is visibly on the wane; very little acute misery exists in Belgium and in the

other gold-bloc countries, although postponement of devaluation may have delayed recovery. In short, no common denominator for the emergence of fascism can be discovered among nations differing so widely in national character, historic tradition, and economic structure.

Another common assumption is that private capitalism, threatened by the socialist tide and the attendant loss of privileges, builds up fascism as a protective wall of counter-revolution. Beyond doubt, this theory is justified empirically by events in Germany, Italy, Austria, and recently in Spain. But it would be an undue belief in the self-stultification of the capitalist class to assume that it should not have fully realized the ultimate fate of private capitalism under fascist domination in a totalitarian régime. Private capitalism cannot have failed to understand that at least in Italy and Germany it has fallen from the frying pan into the fire, and that capital controlling democracy is far preferable to corporative middle-class bureaucracy controlling capitalism. In spite of the risks arising from universal suffrage, capitalism thrives best under democracy with its predictability of the rule of law. In addition, the totalitarian state leads eventually to war; whereas democracy and capitalism need peace and safety of investment more than anything else. Middle-class dictators, at the bifurcation of the road, are bound to turn left. Here appears at least one of the potential checks on fascism.

In view of the present situation, one of two conclusions imposes itself. On the one hand, fascism may be nothing less than one of the ground-swells of the spirit which by their universal nature irresistibly transform a world more closely knit together today than ever before. If this be true, democracy as a pattern of political organization is doomed, as royal absolutism was once doomed when liberal democracy conquered the globe. Resistance against the relentless march of history would be a waste of time and energy, and would only aggravate the disaster of the final surrender. One can never escape the spirit. Fascist propaganda has succeeded in instilling this belief in the masses and, like any belief, it cannot be argued. On the other hand, if fascism is not a spiritual flame shooting across the borders, it is obviously only a technique for gaining and holding power, for the sake of power alone, without that metaphysical justification which can be derived from absolute values only. If this hypothesis is realized, the answer is equally ines-

capable. If democracy is convinced that it has not yet fulfilled its destination, it must fight on its own plane a technique which serves only the purpose of power. Democracy must become militant.

Fascism is not an Ideology but a Political Technique. The fact that fascism is not an ideology, but only a political technique, is abundantly evidenced by the vast experience of the last decade. Fascism is not a philosophy—not even a realistic constructive program—but the most effective political technique in modern history. Its conceptual barrenness is exposed clearly in connection with the Spanish rebellion. Just as in Italy the march on Rome antedated the formulation of a program—a fact which fascism proudly admits—the conquest of power by General Franco and his mercenaries is the sole objective and needs not even the pretext of a substantiated program. Fascism simply wants to rule. The vagueness of the fascist offerings hardens into concrete invective only if manifest deficiencies of the democratic system are singled out for attack. Leadership, order, and discipline are set over against parliamentary corruption, chaos, and selfishness; while a cryptic corporativism is substituted for political representation. General discontent is focussed on palpable objectives (Jews, freemasons, bankers, chain stores). Colossal propaganda is launched against what appears as the most conspicuously vulnerable targets. A technique of incessant repetition, of over-statements and over-simplifications, is evolved and applied. The different sections of the people are played off against one another. In brief, to arouse, to guide, and to use emotionalism in its crudest and its most refined forms is the essence of the fascist technique for which movement and emotion are not only linguistically identical. It is a peculiar feature of the emotional technique that those who are brought into play as the instruments, i.e., the masses, should not be aware of the rational calculations by which the wire-pullers direct it. Fascism is the true child of the age of technical wonders and of the emotional masses.

This technique could be victorious only under the extraordinary conditions offered by democratic institutions. Its success is based on its perfect adjustment to democracy. Democracy and democratic tolerance have been used for their own destruction. Under cover of fundamental rights and the rule of law, the anti-democratic machine could be built up and set in motion legally. Calculating adroitly that democracy could not, without self-abnegation, deny to any body of public opinion the full use of the free institu-

tions of speech, press, assembly, and parliamentary participation, fascist exponents systematically discredit the democratic order and make it unworkable by paralyzing its functions until chaos reigns. They exploit the tolerant confidence of democratic ideology that in the long run truth is stronger than falsehood, that the spirit asserts itself against force. Democracy was unable to forbid the enemies of its very existence the use of democratic instrumentalities. Until very recently, democratic fundamentalism and legalistic blindness were unwilling to realize that the mechanism of democracy is the Trojan horse by which the enemy enters the city. To fascism in the guise of a legally recognized political party were accorded all the opportunities of democratic institutions.

The main principle of democracy is the notion of legality. Fascism therefore officially annexed legality. Since experience acquired in other countries does not commend the *coup d'état* for the immediate conquest of the state, power is sought on the basis of studious legality. If possible, access is obtained to national and communal representative bodies. This purpose is facilitated by that gravest mistake of the democratic ideology, proportional representation. Democracies are legally bound to allow the emergence and rise of anti-parliamentarian and anti-democratic parties under the condition that they conform outwardly to the principles of legality and free play of public opinion. It is the exaggerated formalism of the rule of law which under the enchantment of formal equality does not see fit to exclude from the game parties that deny the very existence of its rules.

Concomitantly, the movement organizes itself in the form of a semi-military *corps*, the party militia or private army of the party. Under the pretense of self-protection, the original nucleus of the personal bodyguard of the leaders, and of the stewards for the maintenance of order in meetings, is developed into a large fighting body of high efficiency equipped with the fullest outfit of military paraphernalia, such as military hierarchy, uniforms and other symbols, and if possible arms. Again, this technique has strong emotional values and purposes. In the first place, mere demonstration of military force, even without actual violence, does not fail deeply to impress the peaceful and law-abiding bourgeois. Its manifestation, so alien to the normal expressions of party life, is, as such, a source of intimidation and of emotional strain for the citizens. On the other hand, while democratic parties are charac-

terized by the looseness of their spiritual allegiance, the military organization of the fascist parties emphasizes the irrevocable nature of the political bond. It creates and maintains that sense of mystical comradeship of all for each and each for all, that exclusiveness of political obsession in comparison to which the usual party allegiance is only one among many pluralistic loyalties. When party allegiance finally transcends allegiance to the state, the dangerous atmosphere of double legality is created. The military routine, because it is directed against despised democracy, is ethically glorified as part of party symbolism which in turn is part of the emotional domination. Disobedience towards the constituted authorities naturally grows into violence, and violence becomes a new source of disciplined emotionalism. The conflicts with the state—unavoidable when this phase of active aggressiveness is reached—increase the common sentiment of persecution, martyrdom, heroism, and dangerous life so closely akin to legalized violence during war. In addition, the movement is, within its own confines, genuinely democratic. A successful roughneck forthwith rises to distinction in its hierarchy. The uniform has a mystical attraction also in avowedly non-militaristic countries. The effect of military display on the "soft" bourgeois is all the more lasting because he contrasts the firmness of purpose of accumulated force in fascism with the uncontrolled fluctuations of normal political life. In politics, the only criterion of success is success. Fascism has been irresistibly successful in other countries; thus far, it has never met with a reverse. In any democratic country, be it traditionally ever so sober and balanced, the existence of a political movement organized as military force makes the average citizen uneasy and creates the feeling of restiveness which emotional politics needs.

Last, but not least, the party army develops into a potential competition with the regular armed forces in the case of a *coup d'état* which invariably follows when the period of pretended legality has reached its aim of undermining the forces of resistance. Repressive counteraction of the threatened state usually comes too late and is paralyzed by fear of civil war.

In former ages, revolutionary movements operated cautiously and in secrecy. They were dangerous because of their underground nature. They could strike without warning. In most states, legislation was passed against secret societies. In the age of the emotional masses, the situation is reversed. Revolutionary fascism

needs the spotlight of the utmost publicity. It could never unfold itself in the dark. Thus fascism forces itself into the foreground, where its emotional spell can be cast upon the masses. Its technique is relentless self-advertisement and propaganda. Democracy could not reckon with the effects of open propaganda. While vigilance was focussed, in fatal misunderstanding of the changed technique of revolutionary movements, on secret actions, no legislative devices existed for offsetting revolutionary emotionalism in the garb of legality, propaganda, and military symbolism. Fascism shrewdly capitalized this situation and won its most notable victories by boring into the weakness of the democratic system.

The German Illustration. The causes for the failure of the democratic experiment in Germany are by far too complex to be measured in terms of a single denominator. But the lack of militancy of the Weimar Republic against subversive movements, even though clearly recognized as such, stands out in the post-war predicament of democracy both as an illustration and as a warning. It is common knowledge that the actual hardships and the spiritual humiliations of the folly of Versailles, so stubbornly enforced by mediocre lawyers acting as French statesmen, in the long run served only the purpose of helping Hitler into the saddle. But the deeper guilt of the mediocre bureaucrats acting as German statesmen should by no means be minimized, as has become the habit of one-sided historiographers. When the para-military patriotic movements of the early twenties were driven underground by dictation from Paris, Hitler rose to power by deliberately exploiting the national predilection for military forms of community life for which no lawful outlet existed. Caught by this tragic dilemma, no German government could bring itself to take a strong stand against movements whose professedly patriotic aims appealed even to those who disapproved of the political methods applied. Laden with the heritage of the Treaty, the Republic was powerless against a party which by promoting its own interests fought for redress of the national grievances. The bourgeoisie, after recovering from the first shock of being exposed to the immature schemes of socialist doctrinaires, sided wholeheartedly with the Reichswehr and big business, which secretly connived at National Socialism. Thus socialist and democratic cabinets of the center found themselves fighting against the two fronts of the radicalized masses and the patriotically inflamed *saboteurs* of democracy. In addition, the

law-abiding mind of the German people developed the new-fangled ideologies of democratic equality and fair play for all into a self-destroying legalism of which the decisions of the Supreme Constitutional Tribunal are a pertinent illustration.

A survey of the legislative defences of the Republic against the enemies of the democratic order reveals an almost tragicomical picture of half-hearted, laggard, and thoroughly ineffective methods of dealing with the subversive technique. The law for the protection of the Republic, sprung from popular indignation over the assassination of Herr Rathenau in June, 1922, was openly defied by Bavaria and secretly made blunt by hyper-legalistic, or even mutinous, courts from the beginning; and when renewed in 1930, the statute emerged from Parliament insipid and feeble. The elections in September, 1930, resulted in a political deadlock by which any constitutional amendment was dependent on the support of those against whom it was directed; that atmosphere of illegality and high treason was created which ultimately killed the Republic. No government would dare to seize arms unlawfully possessed by militarized parties, since secreting of arms was a patriotic manifestation against the Treaty. How could legislation for the protection of democratic institutions and symbols be enforced when the German bourgeoisie branded democracy with the stigma of Versailles? Measures aimed at curbing political excesses were futile when every radical deputy could, under the protection of sacrosanct parliamentary immunities, employ the platform to undermine the Republic. For less than two months, in the spring of 1932, the wearing of political uniforms in public was unlawful under an emergency decree of the Reich. But it was impossible to enforce the ordinance because of the diversities in the political composition of the governments of the Länder entrusted with such enforcement. In the light of later events, the decree of the cabinet of von Papen in June, 1932, by which associations "whose members habitually appear in public in closed formation" were required to submit their by-laws to the Minister of the Interior, reads like a travesty of law.

The German Republic foundered on its own concepts of constitutional legality, which opened the way to power for Hitler. Democracy had surrendered to National Socialism long before Hitler was "legally" appointed Chancellor of the Reich. On the other hand, it must be admitted frankly that National Socialism knew how to

benefit from the calamitous experience of the Weimar Republic. The one-party system was the logical answer to the democratic tolerance of the crushed Republic.

Impossibility of Democratic Emotionalism. Once the character of revolutionary fascism as a technique for destroying democracy emotionally is recognized, much of its spell is broken. The inductive object lesson offered by the experience of the last decade was not entirely lost upon the countries still adhering to democracy. At long last, democracies became conscious of the threat, and they are now organizing defence. On the whole, the outlook for democracy has improved considerably, both psychologically and materially. The tide of fascism seems to be turning, although in several countries, e.g., Belgium and France, there is still imminent danger.

One method of overcoming fascist emotionalism would certainly be that of offsetting or outdoing it by similar emotional devices. Clearly, the democratic state cannot embark on this venture. Democracy is utterly incapable of meeting an emotional attack by an emotional counter-attack. Constitutional government, by its very nature, can appeal only to reason; it never could successfully mobilize emotionalism; even its emotional ingredients are only a prelude to reason. The emotional past of early liberalism and democracy cannot be revived. Nowadays, people do not want to die for liberty. The heroic defenders of Spain against Franco and his fascist auxiliaries do not fight for liberty as such, but for a new social ideal, or perhaps only for their lives. As a rational system, democracy can prove its superiority only by its achievements, which are obfuscated by economic distress and discredited by social shortcomings. The values of liberty seem secure, with the result that to many they appear worn out by routine, faded, pale, and glamourless. Democracy could not devise emotional formulas capable of competing with the fascist Pied Pipers. Democracy *à la recherche d'une nouvelle mystique* seems hopeless, if not ridiculous. Democratic romanticism is of itself a contradiction.

The Common Front Idea. Realistically, the defense of democracy can be projected only on political and legislative lines. The two methods are clearly distinct, although if political presuppositions are lacking, legislative action cannot be taken. Spiritually, both arise from the same will of self-protection and self-preservation. But while the political attitude aims at establishing a united and uniform action among the democratically-minded sections of the

people against the common enemy, the anti-fascist legislation in democratic states is directly pointed at the fascist technique; it can be passed even if a formal political understanding among the various anti-fascist parties does not exist. On the other hand, political union alone, without the technical legislation, fails to achieve its purpose.

In many states, democratic parties have become aware that the very existence of democracy is at stake. The war of doctrines is at last in full swing. It is true that fascism, in the present stage, pretends to crusade mainly against Marxism. But its spokesmen denounce liberalism and democracy, the germ carriers and hotbeds of socialism and communism, as the gateway to bolshevism. The logical result has been the rise of the Common Front idea in several countries. Originating in Spain, it was followed up in France with, at least for the time being, unmistakable success. In France, as in other countries, the main difficulty in uniting the anti-fascist parties is the strong aversion of large sections of the bourgeois middle-classes and of the farmers towards the Left; the Communist partner's devotion to constitutional government and to the principles of private property are justly mistrusted. The Common Front idea, new and untried as it is, has proved a two-edged weapon, and the ambiguity of the political alliance is widely exploited by fascist propaganda. Thus it cannot be regarded as the final determinant for the solution of the problem of political union against fascism.

Furthermore, for various reasons, in most countries, e.g., England and Switzerland, the Common Front plan has little chance of realization. In some cases, communism has been subjected to severe restrictions; in others, it is almost non-existent. The absence of the disturbing element of communism has facilitated a closer drawing together of the bourgeois liberal and moderate socialist parties for common defense without the precarious device of a political alliance in the form of a common front. This accounts for the fact that in most democratic countries, with the exception of France, the defense of the moderate parties is directed equally against communism and fascism, with the result that anti-extremist legislation can be coördinated without flagrant violation of democratic principles. As A. P. Herbert, M. P., humorously remarks: "A plague on both your blouses." Thus the Catholic parties have been able to combat the anti-religious propaganda of communism, while the liberal center parties, which are usually the first losers to fascism,

could concentrate their activities against that enemy. In all democratic countries except France, a concurrent attitude of the constitutional parties against both fascism and communism has been established and anti-extremist legislation has been carried by parliamentary vote and public opinion at large.

Lack of Coöperation Among Democracies. On the other hand, while the Fascist International seemingly operates according to a strategic plan on trans-national lines, very little has been accomplished toward establishing a closer coöperation of democracies internationally. Democracies still adhere to the belief that a war of doctrines must be avoided at all costs. The existence of a common danger is not fully recognized. International fascism benefits again. In every country where fascism seized power, it was helped most by the disunity of its opponents. International fascism is obviously confident that the same strategy can be applied to Europe as a whole. The currency agreement in the autumn of 1936 among the gold-bloc countries, the sterling bloc, and the United States was purely opportunistic and one of the many lost opportunities for concerted action. Even the remarkable experiment of establishing regional solidarity on this side of the ocean by the Pan-American Conference seems less auspicious in view of the disintegrating tendencies of local fascist movements. Efforts at mutual economic understanding are at least under way between the Netherlands and the Scandinavian countries and among the members of the Baltic group. More *esprit de corps* is shown in Spain, where international anti-fascists rally behind the Spanish republic. This first instance of vigorous defense is at the same time a clear indication that the war of doctrines can no longer be ignored. At any rate, the Spanish example helps to convince fascism as well as democracies that in any particular country a fascist *coup d'état* means civil war.

Democracy Becomes Militant. The most important step has been taken in a different direction. More and more, it has been realized that a political technique can be defeated only on its own plane and by its own devices, that mere acquiescence and optimistic belief in the ultimate victory of the spirit over force only encourages fascism without stabilizing democracy. Since fascism is a technique bolstered up *ex post facto* by ideas, it can be checked only by a similar technique. It took years to break through the democratic misconception that the principal obstacle to defense against fascism is democratic fundamentalism itself. Democracy stands for fundamental rights, for fair play for all opinions, for free speech,

assembly, press. How could it address itself to curtailing these without destroying the very basis of its existence and justification? At last, however, legalistic self-complacency and suicidal lethargy gave way to a better grasp of realities. A closer study of fascist technique led to discovery of the vulnerable spots in the democratic system, and of how to protect them. An elaborate body of anti-fascist legislation was enacted in all democratic countries. The provisions were drafted precisely for checking the particular emotional tactics of fascism. Step by step, each device on which the success of fascism is grounded was met by a legislative provision which crippled it. Furthermore, fascism as a technique went the way of all purely technical contrivances. It became stereotyped. Thus precaution could be taken against repetition of formulas and patterns of action which were successful in other countries. Seen from the angle of its international application, fascist technique appears now rather conventional and standardized; variations of its schematic mechanism are comparatively rare in spite of its ingenuity in adjusting itself to the particular national situation. Thus the legislative counteraction could definitely match the emotional technique. It is a clear indication of the growing unwillingness of democracies to lend parliamentary institutions to the fascist technique of exploiting them for their selfish ends that the Belgian parliament in March, 1937, passed a bill seeking to prevent resignations from parliamentary seats merely for the sake of facilitating propaganda at the ensuing by-elections. Although democratic countries could not bring themselves to concerted action on an international basis, the prophylactic measures adopted in each individual country are surprisingly similar. After much hesitancy and legalistic inhibition, efficient measures against fascism reached the statute books. In spite of the electoral successes of fascist movements in several countries, such as Czechoslovakia, Belgium, and the Netherlands, the movements are kept by legislation within the bounds of normal political parties, and if fascism did not get beyond control in any democratic country which adopted anti-fascist legislation, it is because democracy finally became militant.

Can an Idea be Suppressed? At this juncture, a serious objection may be raised. No spiritual movement can, in the long run, be suppressed merely by legislative and administrative measures. At most, it may be only slowed up. Liberalism survived the reaction of the Holy Alliance, and in the second half of the nineteenth century it conquered the world. The German statute proscribing

socialism during the period 1878-90 did not prevent the resuscitation of the Social Democrats after repeal. Russian communism, outlawed before and after 1905, today rules the empire of the Czar. Always the spirit breaks its chains. But socialism was an idea, perhaps the strongest idea since 1789; and history teaches the deathlessness of ideas. The same argument, however, does not operate in favor of fascism, because it is not an ideological movement but only a political technique under ideological pretenses. There is no historical evidence that a political technique is irresistible if recognized and fought as such.

Democracies withstood the ordeal of the World War much better than did autocratic states—by adopting autocratic methods. Few seriously objected to the temporary suspension of constitutional principles for the sake of national self-defense. During war, observes Léon Blum, legality takes a vacation. Once more, democracy is at war, although an underground war on the inner front. Constitutional scruples can no longer restrain from restrictions on democratic fundamentals, for the sake of ultimately preserving these very fundamentals. The liberal-democratic order reckons with normal times. The guarantee of individual and collective rights serves as a legal basis for compromise between interests which, to be sure, may fall into conflict, but which nevertheless are animated by common loyalty toward the fundamentals of government. Constitutions are dynamic to the extent that they allow for peaceful change by regular methods, but they have to be stiffened and hardened when confronted by movements intent upon their destruction. Where fundamental rights are institutionalized, their temporary suspension is justified. When the ordinary channels of legislation are blocked by obstruction and sabotage, the democratic state uses the emergency powers of enabling legislation which implicitly, if not explicitly, are involved in the very notion of government. Government is intended for governing. Fascism has declared war on democracy. A virtual state of siege confronts European democracies. State of siege means, even under democratic constitutions, concentration of powers in the hands of the government and suspension of fundamental rights. If democracy believes in the superiority of its absolute values over the opportunistic platitudes of fascism, it must live up to the demands of the hour, and every possible effort must be made to rescue it, even at the risk and cost of violating fundamental principles.

[To be concluded in the next number]