Foreign Intercession on Behalf of Justice by the United States in the 19th Century

I. Naamani Tarkow
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1. The Principle of Just Treatment of the Alien and the Citizen

Because they were monotheists and the standard of their ethics was consequently higher than that of their neighbors, the ancient Hebrews did not regard the polytheist nations as their equals, but they did afford foreigners living in their territory equality before the law. Furthermore, the Hebrews also afforded some legal protection to foreign slaves.1 “Ye shall have one manner of law as well for the stranger as one of your own country.”2

The ancient Greek proxenia which probably had its origins in Egyptian and Phoenician practice and which dealt mainly with the granting of trading privileges to foreign merchants, amounted to scarcely more than treaties of public hospitality.3

The alien who was at first regarded as a hostis (enemy) by the Roman came later, due to the exigencies of commerce, under the protection of the gods.4 Extraordinary privileges were granted by the Visigoths in the time of Theodoric in the fifth century A.D. to foreign merchants in Spain. From then on the merchants were allowed to present their cases before their own magistrates. Justinian in the sixth century allowed Armenians in Constantinople to settle questions of marriage and inheritance according to their own laws. Caliph Omar granted the Greek monks in Palestine in the seventh century special exemptions from local jurisdiction. Caliph Haroun-el-Raschid in the ninth century allowed certain privileges to French merchants. The treaty of 912 between Russia and Constantinople included provisions for trial according to Russian

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1. Oppenheim, International Law, (3d ed. 1920) 49, 51. However, as Oppenheim points out, Hebrew treatment of their enemies on the battlefield was rather cruel.

2. Leviticus xxi: 22; see also Shaeffer, The Social Legislation of the Primitive Semites (1915).


law. One of the cardinal principles of the Hanseatic League was that the citizens of the member towns were to be judged by their own laws wherever they may have engaged in commerce. The Amalfitan Tables of the eleventh century provided for extraterritorial jurisdiction. Similar provisions were contained in the Laws of Oleron of twelfth century and in the Laws of Wisby of the thirteenth century and the Consolato del Mare of the fourteenth century. The Saracens who granted special privileges to Christians were in turn allowed to have separate jurisdiction in Corsica and in Sicily and the Turks were permitted to have in Constantinople, sixty years before they captured it, their own Mohammedan community in accordance with the Moslem law.5

The remote principle underlying the trend for the protection of some well-defined minorities can be traced to the continuous struggle since the Middle Ages between the rule of force or even the rule of majority and the right of the individual to liberty of conscience and to respect of personal dignity.6 The struggle for minority rights in modern European history was first in evidence in the religious wars following the Reformation. Obviously, the nature of the present study does not allow the examination of the various settlements subsequent to these wars. One can merely enumerate a few of the more important ones: The Passau Agreement, 1552; the Peace of Augsburg, 1555; the Pact of Warsaw, 1573; the Treaty of Westphalia, 1648, in which the principle of joint action and the acceptance of common responsibilities and guarantees were clearly recognized; and the Treaty of Oliva, 1660, between Sweden and Poland, which not only granted the right to the inhabitants of the contracting states to exercise freely their religion but it also implied the maintenance of their schools. Up to 1815 six other treaties repeated this clause in the Treaty of Oliva: Nijmegen, 1678-1679; Ryswick, 1697; Nystadt, 1721; Breslau, 1742; Versailles, 1785; and Fredericksham, 1809.7

7. Rosting, Protection of Minorities by the League of Nations (1923) 17 Am. J. Int. L. 643; for bibliography dealing with most of these treaties see Roucek, The Problem of Minorities and the League of Nations (1933) 15 J. Comp. Leg. & Int. 71.
The European powers at the Congress of Vienna in 1815 gave their consent to the union of Holland and Belgium only after the insertion of a provision for the equal protection of every sect and for the admission of all citizens, regardless of their beliefs, to public offices. The protection of the Catholic subjects of the Duke of Savoy in the territory added to the Republic of Geneva was also guaranteed. Similar assurances were given at the Vienna gathering to the Poles under foreign domination. One of the conditions of the recognition of Greece in 1830 was the undertaking by the new state of granting equal political rights to all her subjects without distinction of religion. In 1856 in the Treaty of Paris, Turkey reaffirmed her promises of 1839 with regard to equality of religion, language and race. In the Treaty of Berlin of 1878 Bulgaria, Montenegro, Serbia, Roumania and Turkey asserted that differences in religion should not be made the basis of discrimination in civil and political rights. In 1881 Greece promised civil and political rights to the inhabitants of Thessaly which was ceded to her at that time.

The lack of satisfactory means for enforcing the obligations under the various treaties enumerated above is one of their chief defects. Thus as late as the 19th century (the period under consideration in this study) Russia continued to oppress the Poles and the Jews, Roumania persisted in discriminating against the Jews and Turkey staged the awesome massacres of the Armenians.

2. Intercession on Behalf of “Human Rights” in International Law

Regardless of the shameful treatment of aliens and

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9. Annex 12 to the Final Act, 2 State Papers, 149.
10. Id. at 208.
16. Unfortunately not all the writers on international law make the obvious distinction between “intercession” and “intervention”; some
minority groups by some states in the course of history, the idea of certain human rights as observed by the ancient peoples, as expressed by the mediaeval exponents of "natural rights," as seen by the 17th and 18th century champions of the "rights of man," as enunciated by the bills and declarations in England in 1689, in the United States in 1776 and in France in 1789-1793, as contained in the many provisions of the treaties noted above—the concept of certain fundamental rights of the individual, as vague and as misinterpreted as it is, has become by the 19th century a condition for admittance into the family of nations. 17 Thus E. M. Borchard infers that

... where a state disregards certain rights of its own citizens, over whom presumably it has absolute sovereignty, the other states of the family of nations are authorized by international law to intervene on the grounds of humanity. 18

Authorities on international law as far back as Grotius in the 17th century have recognized the right of intercession in a foreign state on behalf of victims of oppression. Even though the great Dutch publicist does not relish the idea of one state interfering in the affairs of another state, he suggests that

... the case is different if the wrong be manifest. If a tyrant ... practises atrocities toward his subjects which no just man can approve, the right of human social connexion is not cut off in such a case. 19

Vattel, too, although with great reluctance and abundance of caution, indicates that "Prudence will suggest the times when it [an interested state] may interfere to the extent of making friendly representations." 20

More recent authorities, such as Lawrence, indicate that

use the terms interchangeably. Oppenheim says that "Intercession is the name given for interference consisting in friendly advice given or friendly offers made with regard to the domestic affairs of another state." Op. Cit., p. 222.

17. Thus Turkey in 1856, Roumania, Serbia and Montenegro in 1878 had to promise to observe certain fundamental rights of their subjects before they were granted formal membership in the family of nations.
19. 2Grotius, De Jure Belli et Pacis (Whewell Translation (1853) b. 2 p. 440.
Should the cruelty be so long continued and so revolting that the best instincts of human nature are outraged by it, and should an opportunity arise for bringing it to an end and removing its cause without adding fuel to the flame of the conflict, there is nothing in the law of nations which will brand as a wrongdoer the state that steps forward and undertakes the necessary intervention.21

Westlake is even more vigorous in his assertions than Lawrence:

Laws are made for men and not for creatures of the imagination, and they must not create or tolerate for them situations which are beyond endurance, we will not say of average human nature, since laws may fairly expect to raise the standard by their operation, but by the best human nature that at time and place they can hope to meet with.22

American authorities on international law have likewise asserted the right of intercession on behalf of justice. Wheaton says:

The interference of Christian powers of Europe in favor of the Greeks . . . affords a further illustration of the principles of international law authorizing such interference, not only where the interests and safety of other powers are immediately affected by the internal transactions of a particular state, but where the general interests of humanity are infringed by the excesses of a barbarous and despotic government.23

Woolsey justifies intercession when "some extraordinary state of things is brought about by the crime of a government against its subjects."24

A more recent American authority, Hershey, says:

International practice also admits the exception in the rule of non-intervention, on moral and political grounds. Forcible interference in the internal affairs of another State has been justified on grounds of humanity in extreme cases like those of Greece, Bulgaria and Cuba, where great evils existed, great crimes were being perpetrated or where there is danger of race extermination.25

25. Hershey, The Essentials of International Public Law (1915), 151. For additional statements on the subject see Stowell, Intervention in International Law (1921) 51-62; Hodges, The Doctrine of Intervention (1915) passim; Oppenheim, op. cit., 462; I Fauchille,
Closely related to, and hardly distinguishable from "oppression" and "persecution" as violations of "human rights" is the concept which in recent terminology of international law came to be known as "denial of justice." Ordinarily the term is applied to a situation "Whenever a State, through any department or agency, fails to observe, with respect to an alien, any duty imposed by international law or by treaty with his country,"\(^2\) or where "some misconduct or inaction of the judicial branch of the government by which an alien is denied the benefits of due process of law."\(^27\) It is universally accepted that in such a situation the alien's own government may, at first, protest through the regular diplomatic channels and when no redress is granted proceed even to armed intervention. Thus Secretary of State Cass wrote to Lord Napier in April, 1857:

> Our naval officers have the right—it is their duty, indeed—to employ the forces under their command not only in self defense but for the protection of the persons and property of our citizens when exposed to acts of lawless outrage, and this they have done in China and elsewhere, and will do again if necessary.\(^28\)

Some authorities, however, are inclined to broaden the concept of "denial of justice" to include not only aliens but any individual. Says E. C. Stowell:

> Humanitarian intervention has frequently been employed for the practice of individuals against an abusive treatment, either the arbitrary confiscation of their property or the restraint of their personal liberty without justification in law. When the authorities of an independent State persist in administering the law with injustice and cruelty so excessive as to constitute an intolerable abuse and to shock the opinion of other States, it has led in certain instances to intervention on what we may properly designate as the ground of denial of justice.\(^29\)

\(^{26}\) Hyde, International Law (1922) 491.

\(^{27}\) Borchard, The Diplomatic Protection of Citizens Abroad (1915) 280.

\(^{28}\) Cited by 7 Moore, A Digest of International Law, (1906) 164. See also Offutt, The Protection of Citizens Abroad by the Armed Forces of the United States (1928) and Gibson, Aliens and the Law (1940).

\(^{29}\) Stowell, op. cit., 139. As to the use of the term by the various writers on international law see Eagleton, Denial of Justice in International Law (1928) 22 Am. J. Int. L. 538 ff.; Lissitzyn, The
It was in recognition of the fundamental rights of the human being that the United States deemed it as its duty to intercede on a number of occasions in the 19th century on behalf of some who were oppressed, persecuted or denied justice in foreign countries.

3. Instances of Intercession by the United States in the 19th Century

In 1840 in Damascus, then under the Turkish rule, a monk named Father Thomas disappeared with his servant. The Jewish community of the city was charged with ritual murder. Thirteen Jews were cast into prison and inhumanly treated. The Israelites of America were indignant. Protest mass meetings were held in New York, Philadelphia and Richmond. The New York meeting adopted a resolution requesting intercession on behalf of the accused Jews and forwarded it to President Van Buren on August 24, 1840. The President referred the communication to the Secretary of State, Forsyth, who replied to the chairman of the New York meeting:

that the heart-rending scenes had previously been brought to the notice of the President by the American consul there, and that in consequence an instruction was immediately written to the American consul at Alexandria, and that at the same time the diplomatic representative of the United States at Constantinople "was instructed to interpose his good offices in behalf of the oppressed and persecuted race of the Jews in the Ottoman dominions, among whose kindred are found some of the most worthy and patriotic of our own citizens, and the whole subject, which appeals so strongly to the universal sentiments of justice and humanity, was earnestly recommend- ed to his zeal and discretion."

Forsyth's instruction to the American consul mentioned above is truly expressive of the loftiest humanitarian sentiments. Following is an excerpt from it:

In common with all civilized nations, the people of the United States have learned with horror the atrocious crimes


30. 5 Graetz, History of the Jews (1895) 630-632; Margolis and Marx, History of the Jewish People (1927) 651-653.
31. Moore, op. cit. 347.
imputed to the Jews of Damascus, and the cruelties of which they have been the victims. The President fully participates in the public feeling, and he cannot refrain from expressing equal surprise and pain, that in this advanced age, such unnatural practices could be ascribed to any portion of the religious world.

The President has witnessed, with the most lively satisfaction, the effort of the several of the Christian Governments to suppress or mitigate these horrors. He is anxious that the active sympathy and the generous interposition of the Government of the United States should not be withheld from so benevolent an object, and he has accordingly directed me to instruct you to employ all those good offices and efforts to the end that justice and humanity may be extended to these people, whose cry of distress has reached our shores.32

The Irish disturbances of 1848 and the resultant treatment by the British Government of some of the Irish rioters brought about the following instructions from Isaac Toccey, Secretary of State ad interim to the United States Minister to the Court of St. James, George Bancroft:

"It is the wish of the President and he instructs you to urge upon the British Government the adoption of a magnanimous and merciful course towards those men who have been implicated in the late disturbances in Ireland."33

American intercession for Kossuth, the leader of the Hungarian Revolution of 1848, who escaped to Turkey and who was to be turned over by the Sublime Porte to Austria, is well known. Interesting, however, is the letter sent on January 12, 1850, by Secretary of State Clayton to the American Minister in Turkey, Marsh:

"You are well aware that the deepest interest is felt, among the people of the United States, in the fate of Kossuth and his compatriots who have hitherto escaped the vengeance of Austria and Russia by seeking an asylum within the boundaries of the Ottoman Empire. Should you be of the opinion that good offices would avail anything to secure their safety, it is desired by your Government that you should intercede with the Sultan in their behalf. The President would

32. Quoted by Adler, Jews in the Diplomatic Correspondence of the United States (1907) 4-5. One may observe that the instruction was written ten days before the Jews of New York forwarded their resolution to President Van Buren.
be gratified if they could find a retreat under the American flag. . . . ”

The United States took early notice of the mistreatment of the Jews in the second half of the 19th century in the newly created Roumania. In 1867 Secretary of State Seward communicated with the United States Minister to Constantinople with regard to the uncivilized conduct of the “Government of Bucharest” and the American representative informed the diplomatic agent of the Principality that the “confidence of the Government of the United States would be impaired in the Government of Bucharest, unless the proscriptive measures against the Jews are discontinued.” In 1870 Secretary Fish cabled to the same American representative in Constantinople:

It is reported by telegraph that extensive murders of Jews have taken place in Roumania. Ascertain facts, and if true unofficially urge on Turkish government to put a stop to bloodshed. Answer by cable.

How much the United States was concerned with the persecution of the Jews of Roumania is indicated by the action of President Grant, who appointed a Jew as the United States Consul to Bucharest for the express purpose of ameliorating the conditions of the oppressed. Grant gave him a letter which the new consul later showed Prince Charles of Roumania. It follows:

The bearer of this letter, Mr. Benjamin Peixotto, who has accepted the important, though unremunerative position of U. S. Consul to Roumania, is recommended to the good offices of all representatives of this Government abroad.

Mr. Peixotto has undertaken the duties of his present office more as a missionary work for the benefit of the people he represents, than for any benefit to accrue to himself—a work in which all citizens will wish him the greatest success. The United States knowing no distinction of her own citizens on account of religion or nativity, naturally believes in a civilization the world over, which will secure the same universal views.

The Roumanian excesses against the Jews, however,

34. Cited by Moore, op cit., Vol. 6, p. 46.
35. Adler, op. cit., 48 ff. See also Kohler and Wolf, Jewish Disabilities in the Balkan States (1916).
36. Foreign Relations of the United States (1872) 650.
continued. In April 1872, the foreign consuls at Bucharest, with the exception of Russia, addressed a joint note to the government in Bucharest. Secretary Fish promptly sanctioned Peixotto’s participation in the protest.

The Department approves your taking part in that remonstrance. Whatever caution and reserve may usually characterize the policy of this government in such matters may be regarded as inexpedient when every guarantee and consideration of justice appear to have been set at defiance in the course pursued with reference to the unfortunate people referred to. You will not be backward in joining any similar protest, or other measure which the foreign representatives there may deem advisable with a view to avert or mitigate further harshness toward the Israelites residents in, or subject of, the principalities.38

The House of Representatives passed on May 20, 1872, the resolution “That the President of the United States be respectfully requested to join with the Italian government in the protest against the intolerant and cruel treatment of the Jews in Roumania.”39 Secretary Fish then informed the House of the collective note mentioned above and of his further instructions to Peixotto.

It may be recalled that the Congress of Berlin of 1878 in granting independence to Serbia, Montenegro and Roumania and autonomy to Bulgaria exacted the assurances of these states, as well as that of Turkey, that religious differences would not be made a basis for discrimination in the civil and political rights of their respective citizens. Little is known of the part the United States played in bringing about this international action, however, the American Minister to Austria, Kasson, wrote on June 5, 1878, a week before the Congress assembled, to Secretary Evarts:

The European Congress is about to assemble, and will be asked to recognize the independence of Roumania. Would there be any just objection to the United States Government offering on its part, if the European powers would on their part make the same condition, to recognize the independence of that country, and to enter into treaty stipulations with its government, only upon the fundamental preliminary agreements:

1 That all citizens or subjects of any such foreign nationality shall, irrespective of race or religious belief, be en-

38. Foreign Relation (1872) 691.
titled to equal rights and protection under the treaty and under their laws.

2 That all subjects or citizens under the jurisdiction of the Roumanian Government shall, irrespective of their race or religious belief, have equal rights of trade and commerce with the citizens or subjects of the foreign governments making such treaty . . . and . . . be equally protected by the laws in the exercise of the rights so secured?

To this extent, at least, it seems foreign governments would be justified by international law and the law of self-interest; while they would at the same time give effect to the humane instinct of all truly civilized and Christian nations. . . .

Both John A. Kasson and Bayard Taylor, U.S. Minister to Germany, used their good offices to influence the delegates to the Congress. Taylor reported to the Department of State on July 15, 1878, that since the chief interest of the governments and the people of the United States is the enforcement of religious liberty "This is the only point which I felt at liberty to present unofficially to several members of the Congress, and I am glad to report that it was opposed by none of the statesmen present." 41

The United States deemed it advisable on occasion to participate in conferences dealing with protection of maltreated native subjects. Thus President Hayes in his annual message to Congress on December 6, 1880, informed that body that at the invitation of the Spanish Government the United States Minister in Spain was directed by the President to take part in the deliberations of a conference called for the purpose "of protection by foreign powers of native Moors in the Empire of Morocco." The convention adopted by the conference was also signed by the American representative. Furthermore, "The government of the United States . . . lost no opportunity to urge upon the Emperor of Morocco the necessity of putting an end to the persecutions which have been so prevalent in that country of persons of a faith other than the Moslem." 42

American intercession on behalf of the persecuted Jews of Russia is well known and needs no elaboration. The instructions sent to the American diplomatic representatives in St. Petersburg are voluminous. 43

40. Foreign Relations (1878) 42.
41. Id. at 227-228. For further reports with regard to the Congress of Berlin see id. at 50-51, 71-72, 476-477, 865, 866, 894.
42. Message of the President, Foreign Relations (1880) 11.
43. Foreign Relations (1880) 873; (1882) 446-452; (1891) xii, 737-739; (1893) 536 ff.; (1894) 534; (1895) pt. 2, 1065; (1897) 442-443.
The instances of American foreign intercessions mentioned in this paper were purely on grounds of justice and they indicate the championship by the United States of the fundamental rights of human beings. They also foreshadow American representations to Germany caused by the barbarities of the Nazis in the 1930's and President Roosevelt's initiative in calling the international conference at Évian, France, in March, 1938, for the purpose of ameliorating the conditions of the refugees from European atrocities. A Department of State Press Release with regard to the calling of the Conference states:

This Government has become so impressed with the urgency of the problem of political refugees that it has inquired of a number of governments in Europe and in this hemisphere whether they would be willing to cooperate in setting up a special committee for the purpose of facilitating the emigration from Austria and presumably from Germany of political refugees. It has been prompted to make this proposal because of the urgency of the problem with which the world is faced and the necessity of speedy cooperative effort under governmental supervision if widespread human suffering is to be averted.44

The Évian Conference, in session from July 6 to July 15, upon the suggestion of Myron C. Taylor, President Roosevelt's personal representative, worked out measures for resettlement of refugees from Germany and Austria and created an intergovernmental committee to plan a long range program for actual and potential refugees of Nazi barbarism. After the outbreak of the war in September, 1939, the Intergovernmental Committee on Political Refugees, upon the invitation of President Roosevelt, met in Washington from October 17 to October 27 to deliberate on the new problems created by the war. Both the President of the United States and the Secretary of State addressed the gathering of the representatives of 32 nations. The President, after presenting "a challenge to the Intergovernmental Committee" to find a solution to the inevitable problems of the post war homeless of whom "there may be not 1 million but

44. Cited by Jones and Myers, 1 Documents on American Foreign Relations (1939) 438. The following states accepted the invitation: Argentine, Belgium, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Denmark, Dominican Republic, Ecuador, El Salvador, France, Guatemala, Haiti, Honduras, Mexico, Netherlands, Nicaragua, Norway, Panama, Paraguay, Peru, Sweden, the United Kingdom, Uruguay and Venezuela.
10 million or 20 million men, women, and children," conclud-
ed his address by saying:

This problem does not involve one race or group—not one religious faith. It is the problem of all groups, of all faiths. It is not enough to indulge in horrified humanitarianism, empty resolutions, golden rhetoric, and pious words. We must face it actively if the democratic principle based on respect and hu-
man dignity is to survive—if world order which rests on se-
curity of the individual is to be restored.

Remembering the words written on the Statue of Liberty
let us lift a lamp beside new golden doors and build new ref-
gues for the tired, for the poor, for the huddled masses yearn-
ing to be free.45

However, the most expressive gesture on the part of
the President and the Department of State in protest against
the German atrocities was the recall of the American Am-
bassador at Berlin immediately following the horrible No-

tember, 1938, massacres of the German Jews. Following is
Roosevelt's statement of November 15 of same year:

The news of the past few days from Germany has deeply
shocked public opinion in the United States. Such news from
any part of the world would inevitably produce a similar pro-
found reaction among American people in every part of the
Nation.

I myself would scarcely believe that such things could
occur in a twentieth-century civilization.

With a view to gaining a first hand picture of the sit-
uation I asked the Secretary of State to order our Ambassa-
dor in Berlin to return at once for report and consultation.46

Thus, a very grave step, the withdrawal of the Ameri-
can Ambassador, was predicated on the serious disparity be-
tween the policy of the German Government and certain
moral and legal norms which the United States Government
conceived to be essential to justice and civilization.

Conscious of the important role which such concepts
play in preserving harmony among the varied races and re-
ligions which figure in American domestic politics, the United
States Government displays today, as it has throughout its
history, great sensitiveness with respect to the viability of
such considerations elsewhere in the world. The proposal
for a bill of rights in international law which has recently

been given voice in many quarters in the United States\textsuperscript{47} deserves to be viewed not as quixotic and romantically moralistic but to be viewed as based on a realistic appraisal of the kind of conditions which must prevail in the politics of the world if the political scene in the United States is to continue in the future to be marked by tolerance and democracy. Harmony and good will at home can not survive in a world which is hostile to, or even indifferent to such amenities.

It is now abundantly clear that no adequate post war settlement of world affairs can be accomplished without the active participation of the United States. As Henry M. Wriston, the noted educator, expressed it in an address in April, 1940, before the American Academy of Political Science in New York, so great is the weight of the United States in the balance of the world that it upsets the balance not alone by throwing it toward one side or another, but even by jumping off the teeter board the effect is just as profound. The Versailles Treaty provides all the evidence needed on that point.\textsuperscript{48}

One may venture a guess that the coming peace conference will project some sort of an international administrative structure. It may be well to concede from the very start that the old notion that all state sovereignty is alike is fallacious. Prof. James T. Shotwell of Columbia University has indicated that the framers of the Covenant of the League of Nations have evidenced the fallacy of this notion by giving the Great Powers a higher place and added responsibilities in the League setup. Therefore, Prof. Shotwell reasons, the special conditions (to meet some of the objections of the still persistent and vociferous isolationists) upon which the United States could accept membership in an international organization, would not call for special privileges of an exceptional character because they would follow naturally from the gradation of responsibilities of member states.\textsuperscript{49} Furthermore, while past plans for world

\textsuperscript{47} See, for instance, the remarks of Quincy Wright, Professor of International Law at the University of Chicago, at the Conference of Experts in International Relations held in Chicago in April, 1941. The Worlds Destiny and the United States (1941) 110, 114.

\textsuperscript{48} Wriston, American Policy: Positive or Negative? (1940) 6 Vital Speeches 467.

\textsuperscript{49} Shotwell, On the Rim of the Abyss (1936) 328, 335. Lest this procedure be deemed undemocratic it may be well to point out, as
organization were based mainly upon the sovereign state
current American plans envisage a system which will not
serve merely as an apparatus for state action, but it will
also function as an effective safeguard of the rights and
security of the individual.50

Tolerance, says Prof. Harold J. Laski, the eminent Brit-

ish political scientist, very largely depends upon security;
tolerance and fear are antithetic terms.51 The sixth of the
eight points of the Atlantic Charter through which Roose-
velt and Churchill deemed it "right to make known certain
common principles in the national politics of their respective
countries on which they base their hopes for a better future
for the world" expresses the same sentiment "to see estab-
lished a peace which will afford all nations the means of
dwelling in safety within their own boundaries, and which
will afford assurance that all the men in all the lands may
live out their lives in freedom from fear and want."

It was the voice of America that proclaimed through
Roosevelt in the annual presidential message, January 6,
1941, the four essential human freedoms:

Freedom of speech and expression.
Freedom of every person to worship God in his own way.
Freedom from want.
Freedom from fear anywhere in this world.

"This," the President said, "is no vision of a distant
millennium. It is a definite basis for a kind of a world at-
tainable in our own time and generation."

Thomas Mann does, that in a democracy freedom predominates
over equality.

50. See, for example, the Preliminary Report and the monographs of
the Commission to Study the Organization of Peace in International
Conciliation, No. 369 (April, 1941).

51. Laski, The Outlook for Civil Liberties, Dare We Look Ahead?
(1938) 161, 165.