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## The Preliminary Draft of a World Constitution, by the Committee to Frame a World Constitution

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# BOOK REVIEWS

THE PRELIMINARY DRAFT OF A WORLD CONSTITUTION. By the Committee to Frame a World Constitution. Chicago: The University of Chicago Press, 1948. Pp. xi, 92. \$2.00.

Backed up by the prestige of the University of Chicago, a Committee of Eleven to Frame a World Constitution labored for two years to produce *The Preliminary Draft of a World Constitution*.

The Committee consists of six professors from the University of Chicago, (Chancellor, Robert M. Hutchins, Dean of the Law School Wilber G. Katz, G. A. Borgese, Mortimer J. Adler, Robert Redfield and Rexford G. Tugwell); four professors come from other American Universities (Stringfellow Barr, former President of St. John's College, Albert L. Guérard, Stanford University, Erich Kahler, Cornell University, and Charles H. McIlwain, Harvard University). Professor Harold Innis, from the University of Toronto, adds an international flavor to the Committee.

Judging by the eleven-page-long Index of Committee Documents, little effort was made to bring into the work of the Committee any outside authorities or their contributions to the problem of World Constitution, the members of the Committee contenting themselves largely with writing billets-doux. This type of mental isolation is one of the reasons for the dismal failure of the Committee's proposal for a World Federal Republic (World State).

The Constitution is designed for what its architects call, grandiloquently enough, the Federal Republic of the World. This Republic shall be, they proclaim, "indivisible and one." The bizarre and extraordinarily naïve structure of this Federal World Republic, as it emerges from the mist of noble generalities and quasi-poetic allusions, is neither divisible by any common sense denominator nor at one with reality. I have read, in the course of my life, many scores of proposed constitutions of the world. I confess I have never read anything so childish and at the same time ferocious; so grimly utopian and yet so ominous as this Federal Constitution for the World State.

The eerie unreality of this World Constitution begins with its Preamble, written in the style of a poem in prose.

It is the first time in history that a preamble to a basic legal document has been written in poetry, and, I fervently hope, the last time. It contains neither good poetry nor good international law. It is interesting to examine the Preamble, for it reveals a special state of mind of its makers.

that therefore the age of nations must end,  
and the era of humanity begin;

the governments of the nations have decided  
to order their separate sovereignties  
in one government of justice,  
to which they surrender their arms;

The authors emphasize, as one of their basic postulates, that "nation-state is by definition and nature the enemy and antagonist of the World State."<sup>1</sup> Few of these nation-states, they add, are "really national, most of them corporations of vested interests." It follows, inexorably, that the higher duty of the framers of this Constitution for a World State is to facilitate the wrecking of the American nation-state.

Behind this absurdity there lies a collective misconception by the Committee of what constitutes the real social forces in the world today and tomorrow. A dominant fact of modern history is the rise of national states. This highly creative development is far from complete. It is still a dominant force and it will continue to be dominant for generations, if not for centuries. The national state has become an all pervading reality of the political structure in the world. And the framers of the Chicago Constitution are engaged in a children's crusade when they attempt to build their World State by waving a magic wand and "abolishing" the national states or drastically reducing their sovereignty. Members of an infinitely stronger committee than theirs, the Politburo, under Stalin, tried to do this. They saved their necks from Hitler's noose only through the timely assistance of a national state, the American.

To try and abolish nationalism is like abolishing love: to abolish love, one must abolish women; and to abolish nationalism, one must abolish nations. A national state is not, as the framers of the Constitution flippantly remark, an aggregate of "corporations of vested interests, and products of chance or bargain." It is infinitely more than that.

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1. P. 43.

It is an all-compelling, living force—historical, economical, psycho-social, and military. In modern times, the concepts of nationalism and sovereignty are virtually merged. The right to be sovereign has become the right to be free—in India or Israel.

A practical world authority for lasting peace is entirely possible today. But this cannot be accomplished by Lilliputian attempts to level the national states. It cannot be done by creating a World State in the economic, political or ideological image of professorial Utopists. It can only be done by limiting the efforts of those who believe in world government to the task already realized in every community, and that is the establishment within the community of nations, of an effective world court, under a higher law. There must be a world policeman, operating not as a totalitarian world state, but as a strictly limited sovereignty for the sole purpose of preventing the violence of the few nations over the peace of the many. The thing to do is not to abolish nation-states but to distill from the poisons of nationalism an antidote to war.

Much of the blind hatred for national states on the part of the framers of the Constitution comes from their inability to distinguish scientifically between the healthy body, which is creative nationalism, and its pathology, as manifested by the cancerous growths such as Hitlerism and, to a large extent Stalinism. The diseases of internationalism, such as the Communist internationalism, can be as monstrous as the diseases of nationalism. An effective and acceptable world organization can be established only on the basis of a higher synthesis between the nation-states and the International Organization, and this synthesis can be achieved by delegating to World Authority the powers necessary to eliminate the veto by the aggressor, to check the armament race, and to establish the International Police Force!

After their poetic Preamble, the Chicago framers proceed, in nostalgic imitation of the American Declaration of Independence, to a semi-poetic Declaration of Duties and Rights.<sup>2</sup> They proclaim that "this Constitution is founded on the Rights of Man." In the older, confidential edition of the *Preliminary Draft*, among the Rights of Man was the right of man to serve and receive "From each according to

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2. P. 5.

his ability, to each according to his need." This "right"—an old propaganda chestnut that reached the University of Chicago Committee from Louis Blanc, via Proudhon, via Marx and Lenin—was to be incorporated in the law-making powers of the proposed World State. In the new *Preliminary Draft*, one-half of this old propaganda device, "to each according to his need," was dropped, which is at least fifty per cent improvement.

The founding fathers of the World State squarely base their Declaration of Duties and Rights on "The unwritten law which philosophies and religions alike called the Law of Nature and which the Republic of the World shall strive to see universally written and enforced by positive law." What is this unwritten Law of Nature? A smart University of Chicago undergraduate will correctly point out that it is an echo, two centuries across, coming from Jean Jacques Rousseau. But his teachers on the Committee of Eleven are certain to give him a bad mark, for their concept of the Law of Nature has been streamlined to fit the needs of "what is living in the Marxist religion."

On the same page of the World Constitution that refers to Marxist religion, it is stated:

If the West comes out with a proclamation incorporating all vital human religions, *the socialist religion included*, and with a binding plan or constitution pledging unmistakably respect to and observance of the just interests of all nations . . . then the Russian people . . . will grow restive under any propaganda indoctrinating them with the notion of a capitalist conspiracy. . . . In that case . . . the rulers of the Russian people would change their minds. And why write off the miracles, not so rare, of persuasion? of conversion?<sup>3</sup>

At first glance, this fervent prayer to the Politburo for a miracle of conversion to the University of Chicago World State appears in contradiction with the flat statement in the Foreword that "this Committee is not a guild of miracle-makers." But no, the world economic revolution, in the opinion of its authors, is not a miracle. It is an absolute necessity for the World State if we are to have world peace.

Justice "is the prerequisite of peace, and peace and justice stand or fall together." What kind of justice? It is basically the economic "justice," as contained in the social-

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3. P. 84 (*italics supplied*).

ist religion. Accordingly, the Declaration of Duties and Rights specifies the kind that will be enforced by the government of the Republic of the World and incorporated as positive law:

release from the bondage of poverty and from the servitude and exploitation of labor, with rewards and security according to merit and needs;

and any such other freedoms and franchises as are inherent in man's inalienable claims to life, liberty, and the dignity of the human person, and as the legislators and judges of the World Republic shall express and specify.

Even these sweeping powers for the World Government are not enough. The University of Chicago experts conclude their Declaration of Duties and Rights by a grandiloquent stereotype:

The four elements of life—earth, water, air, energy—are the common property of the human race. The management and use of such portions thereof . . . shall be subordinated in each and all cases to the interest of the common good.

But it was left to the founding fathers of the World State to transmute these four physical elements of the ancient Greek philosophers into the four elements of their peculiar ideology.<sup>4</sup>

To make sure that earth, water, air, and energy will become a public utility for "the common good," the founders describe a Grant of Powers to the World Government of the Federal World Republic of such sweeping nature as to dwarf the considerable grant of powers in the American Constitution. Among the powers of the World Government, there are:

The maintenance of peace; and to that end the enactment and promulgation of laws which shall be binding upon communities and upon individuals as well.<sup>5</sup>

Armed with this blank check, the World Government or the world dictator, with the World Government's stooges, could most peacefully operate in any direction. Hitler made wars in the name of peace and by "promulgation of laws."

Other dangerous grants of power:

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4. The Committee substituted "energy" for "fire."

5. P. 7.

the supervision of and final decision on any alterations of boundaries between states or unions thereof.

the supervision of and final decision on the forming of new states or unions thereof.

One can well imagine the marvelous time that Professors Adler, Tugwell, and Borgese will have in this new map game.

the administration of such territories as may still be immature for self-government . . .

The supervision and approval of laws concerning emigration and immigration and the movements of peoples.

Presumably, this last clause is to eliminate any danger of population wars by the simple expedient of moving, in the name of justice, the hundreds of millions of monstrously over-populated Asiatics into the "under-populated" United States. The ideal for the World Republic would be, of course, to pass a law compelling the emigration of all the American capitalists into Siberian concentration camps.

the organization and disposal of the federal armed forces, the limitation and control of weapons and of the domestic militias in the several units of the World Republic.

The United States, the biggest have-nation in the world, will thus be completely disarmed by a World Government in which the biggest have-not-nations, such as China or India, are predominant, since the voice of America in the World Government shall be permanently restricted to one-ninth of the total voices.

Having thus shorn, like so many sheep, the nation-states of their rights, the founding fathers of the World State had an after-thought. With a subtle, ironical touch they conclude their magnificent Grant of Powers by a curtsy to the United States Constitution:

The powers not delegated to the World Government by this Constitution, and not prohibited by it to the several members of the Federal World Republic, shall be reserved to the several states or nations or unions thereof.

And now we arrive at the structure and organs of the Federal Republic of the World. To start with, there will be the Federal Convention.

[It] shall consist of delegates elected directly by the people of all states and nations, one delegate for each million of population . . .

The one hundred fifty American politicians (delegates) will have their job cut out for them in the face of 2,250 politicians (delegates) from the rest of the world. They had better be good.

The Federal Convention will subdivide into nine regions, or "Societies of kindred nations and cultures," as follows: the continent of Europe; the United States of America; Latin America (Columbia); Soviet Russia, "with such East-Baltic or Slavic or South-Danubian nations as associate with Russia; the Middle East, India, China with Korea and Japan; and finally Indonesia with Indochina. Each Region will have three votes. On the basis of this total of 27 votes, the nine Regions elect a President and the World Council.

The President, elected for six years, will appoint a Chancellor, responsible to both the President and the Council. The President will also be the Chief Justice and will appoint sixty Justices of the Grand Tribunal with the approval of the World Council. And out of the Grand Tribunal will come the Supreme Court of seven members. There will also be an elected Tribune of the People, "as a spokesman for the minorities," and people's defender. But the Tribune will have no power except vehement oratory.

The legal absurdity of a President of the World Republic also being a Chief Justice is but a twisted echo of the Roman Caesar's also being the Chief Priest; while the Tribune is another example of the fallacy of trying to transplant the Tribune of ancient Rome, where the principal travel was by ox-carts, into a Federal World Republic of the twentieth century.

The extensive executive powers of the President are matched with the legislative powers of the World Council, which will consist of nine Representatives from each of the nine Regions and eighteen Representatives at large, making 99 in all. A glance is enough to see that what the founding fathers of the University of Chicago World State wrought is what amounts to a virtually permanent rule by the Asiatic Regions under an Asiatic President with powers enough to make him inevitably a dictator. The four Asiatic Regions, with the African Regions, will possess, through their World Councilmen, a permanent majority of 5 out of 9! This, not counting Eurasian Soviet Russia. In a totally disarmed world, an Asiatic President, in full control of the

World Federal Army and all the weapons of mass destruction, supported by a permanent majority of the desperately hungry Asiatic politicians, elected by predominantly yellow, brown, or black races, will seek to establish a world rule of justice and peace for the Americans and the white race!

How is it possible that men of intellectual integrity and learning, led by Chancellor Hutchins, whom I know and admire as one of the most brilliant leaders in this country—how could they evolve such a nightmarish hodge-podge of half-truths, stereotyped echoes, and noble intentions as this Constitution for a Federal World Republic? To answer this question would require another and a longer review. Here, I will only mention that one of the reasons for this academic debacle lies in the addiction of the Committee members to what I call "a rabbit system." It is true that the life and dignity of any human is a sacred trust of society. It is not true that China with its 400,000,000 is ten times more valuable and important than France with its 40,000,000. It is not true that 150,000,000 Americans who have created the greatest democracy of all times should sit humbly in the back rows of the world arena and surrender their sovereignties to a billion proliferating Asiatics. If the population concept of humanity were true, then the only just solution would be the one proposed by the University of Chicago Committee. This is a solution of a world ant-hill state, whose sole function is regimented breeding, repeated with cosmical boredom untold millions of times through millions of years.

The truth lies in the preservation of free sovereign states, large and small, their multiplication, not abolition. The World Federation will come. But it can come only from the association of sovereign states who will delegate to their federal government specific and strictly limited powers dealing with aggression and armament for aggression with specific and strictly limited armed forces to enforce these powers. Only in this manner can we lay the foundation now, before the Politburo completes its atomic plants, for an *effective and acceptable* international organization, organized through the revised United Nations, with Russia if possible, without Russia if necessary (under Article 51). These are the foundations for a World Federation which will come, but only as a result of gradual evolution and elevation of the nations of the world.

How much more noble and how much more practical, for instance, is a preliminary draft for another type of World Constitution, outlined in the Resolution of the Ohio State Bar Association last year. It seeks three basic changes in the structure of the United Nations Charter:

(A) Elimination of the veto right in the specifically defined matters of aggression and armament for aggression;

(B) Elimination of the atomic and heavy armament race. In the case of atomic threat, by adopting the official American proposal for the international control of atomic energy; in the case of heavy armament, by adopting the quota force method for scheduled world-wide elimination of the armament race.

(C) The establishment of an international police force to consist of an International Contingent, recruited exclusively from volunteer citizens of the smaller sovereign states and supported by the national armed forces of the major nations.

Since the heavy armament equipment will be drastically reduced and automatically limited throughout the world, this international force will be more than adequate to move against any aggressor, actual or potential.<sup>6</sup>

Chancellor Hutchins has rendered a tremendous service in warning the nations against the rapidly growing atomic threat. But the way to remove it is not by advocating a fantastically utopian, unintelligent and naïve World State which could not and will not be adopted in generations, except through conquest by a world dictator.

The ideal of World Federation is the oldest in the universe. The best way to destroy this ideal in the American conscience is by proposing fantastic or totalitarian plans for World Federation. In its Foreword, the Committee somewhat rashly proclaims that their Constitution "is meant, no less humbly than confidently, as a proposal to history." As a proposal to history, their Constitution has a certain value. It is the value of pointing to a blind alley.

*Ely Culbertson*†

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6. The same simple and yet revolutionary ABC Plan is being supported in the Senate on a non-partisan basis by seventeen Senators and scores of Congressmen; by the American Legion; by many organizations, both conservative and liberal, with a membership totaling 7,000,000; and, from opposite camps, by such men as Louis Ruthenburg, President of Servel, Inc., and Norman Thomas.

† Chairman, Citizens Committee for United Nations Reform. Author of the books on the plan for a World Federation, *TOTAL PEACE* (1943) and *MUST WE FIGHT RUSSIA* (1946).