

Can Democracy Be Transplanted?

By C. L. Thompson

BY the reign of William IV it was obvious that the power of government in England had come to rest with the electorate. Thus the power of dissolution had passed gradually from the King to Parliament. The preceding article in the December *Forum* traced this growth in England through William III.

The transfer of authority from the King to the Cabinet became even more obvious under the rule of William IV. His opposition to the Reform Bill of 1832 was widely known. In 1831, when the lords rejected the bill, the Cabinet desired to dissolve Parliament, in order to impress upon the lords and King alike the wishes of the electorate. In spite of the opposition of William IV to the plan, he was forced to yield to his Cabinet and grant a dissolution. For the first time, under William IV, then, the dissolution became the tool not of the King but of the Cabinet, whether it acted for or against the wishes of the King. For the first time, the King was forced openly and definitely to yield to the Cabinet. The Cabinet, and not the King, began to exercise the royal prerogative. After the election, the Cabinet announced:

"A cabinet has been formed which has gathered to itself all effective power, and this power has been or is being handed over to the English people." Parliamentary cabinet

government was starting to gain power in England.

In 1832 William made another attempt to regain his lost power by emulating the example of George III. He dismissed Lord Melbourne and his Cabinet, and called Peel into service. Then, in order to secure a Commons in sympathy with the new government, he dissolved Parliament and called for a general election. But he was sadly disappointed. The people were overwhelmingly in favor of Melbourne, and William was forced to bow to their wishes and restore him to office. Instead of increasing the royal power, he decreased it, and lost prestige besides. The lesson learned at this cost was to influence greatly his successors on the throne. Once more, the Cabinet and Commons, rather than the King, controlled the situation.

At the same time, another powerful element had entered the struggle for power through the dissolution of 1784 and 1834—the electorate. "The essential point to notice," writes Dicey, "is that these contests each in effect admitted the principle that it is the verdict of the political sovereign which ultimately determines the right of a Cabinet to remain in office, namely the nation."

By the time that Victoria ascended to the throne, dissolution had ceased for all time to be the personal weapon of the sovereign. Never-

theless, it was still used by the crown in conjunction with the ministry in order to maintain a harmonious House of Commons. Although Victoria had definite favorites among her ministers, she no longer felt able to use the old royal prerogative and dismiss those whom she disliked regardless of the Commons. She made repeated efforts to retain Lord Melbourne as Prime Minister, but even dissolution failed to yield him a majority in Commons, and Victoria was finally forced to accept her hated opposition leader, Gladstone. During Victoria's reign the Commons was dissolved almost exclusively on the advice of her ministers. Although she endeavored to be a strong queen, and had a strong sense of her privileges, Victoria's reign signalled a further growth of parliamentary government.

Although until the end of her reign Victoria maintained that it was her royal prerogative to dissolve or refuse to dissolve Parliament at her own discretion, she was far too conscious of the dangers involved to undertake such actions. Thus the royal right of dissolution, which was exercised so autocratically during the reigns of the Tudors and the Stuarts, and with discretion during the reign of William IV, fell into disuse as the party system and consequent cabinet government developed in England, until at the end of the century it became part of the great never-used prerogatives of the English sovereign.

Although politicians and constitutional lawyers tried to persuade King George V to use the dissolution during the Irish issue in 1913, he refused. His reign was charac-

terized by quiet adherence to parliamentary principles, and during that period the cabinet form of government gained full power. The proof of this is seen in the abdication of Edward VIII on the advice of his ministers. This would seem to offer convincing evidence that the day when the monarch turned out the ministry and dissolved the Parliament at his pleasure is over in Britain. The King will not act thus even if in refraining from such action he gives up his throne. The power of dissolution in England, in view of historical events, seems to have developed through three phases. From being a weapon in the hands of absolute kings, it became a tool shared by the King and his ministers, usually used by the King to aid cabinet policies. During this second period the King and ministers frequently struggled over dissolutions, and the struggle usually brought victory to the ministers. Finally, the dissolution became a method used by the Cabinet to control Commons, while the King's part became advisory only. Even in Great Britain the dissolution in the hands of the Cabinet may be anti-democratic, since the threat of dissolution may coerce an obstinate Commons. Yet established tradition safeguards the British electorate.

DIFFICULTIES OF TRANSPLANTING

We have devoted so much space to the history of dissolution in Great Britain because the adaptation of this executive power led to great weakening of the German parliamentary system, just as its elimination greatly weakened the French

executive. The difficulty, of course, lies partly in the curious and tedious development of the British dissolution through custom rather than law. Perhaps more important for this discussion is the difficulty of transplanting such a custom-rooted tradition to an alien soil, however favorable for democracy. The French and Germans had an entirely different historical background: to adapt the outward form of the British system to their countries without an understanding of the tradition and custom governing it was pre-destined to failure.

Because the framers of the German constitution did not understand the background of the British system and because they lacked tradition that would safe-guard majority will and minority rights, the German constitution contained provisions for dissolution and executive emergency powers never used in modern Britain: provisions which permitted the constitutional establishment of dictatorship. There is no written law in Great Britain that prohibits the executive (Crown) from violating minority rights. The German constitution, like the American as amended, listed the rights of citizens at great length, but it failed to protect these rights from a dictatorial executive and Reichstag. In Great Britain the weight of custom and common law protect the citizen: in the United States, largely though custom, protection of minorities is a function of the Supreme Court.

This writer is convinced that no matter how carefully a democratic constitution is worked out, the form alone will not and cannot make democracy work.

Like the British, on whose traditions they drew, the American people slowly developed a concept of political democracy. The British colonists sought in America either religious liberty or economic independence. The reign of the Tudors, the Stuarts and the Protector were turbulent. Dynastic changes and religious feuds were accompanied by confiscation of estates and deportations. Some of the dispossessed came to America. Convicts as well as political prisoners were sent to the colonies. Many religious non-conformists left England because their particular sect happened to be out of favor, rather than because they believed in religious freedom.

COLONIAL EXPERIENCE

The Quakers were convinced believers in religious freedom. Lord Baltimore, Catholic proprietor of Maryland, like William Penn, made definite efforts to establish it in his province. The difficulties in New England, of which the persecution of Roger Williams is an outstanding example, gradually convinced the Calvinists of the value of true religious freedom.

Great estates were characteristic of the South. They were worked by indentured servants and by slaves. The difficulty of competition by small farmers with great planters early made economic and political equality an issue in Virginia and to a lesser degree, in Georgia. The middle states and New England found the restrictions put upon their trade by the mercantile policies of England onerous.

Democracy in New England developed from the non-conformist churches and the town meetings.

Taxation was obviously a burning question in local government. The belief that the best government is the least government was a national outgrowth of the desire to avoid taxes, although it was most clearly expressed by Thomas Jefferson rather than by a New Englander.

The colonies were small units. The inequities and the inefficiency inherent in all continuing organizations were therefore obvious. Since the government and the churches were the principal existent organizations, they were distrusted. There were no organizations outside the government except the churches powerful enough to need curbing, so the American need for governmental control was relatively small. In England control of the government had long vested in a widening group of special interests. First the King had been curbed by the barons. Then the importance of the mercantile classes in the towns gave the towns their charters. But the widening powers of the government had been used for the benefit of a slowly increasing privileged class, rather than for the nation as a whole. The colonists, when they left England, had not been in the privileged group of the moment and so started to America with a complete distrust of government.

The separation of church and state is obviously desirable to any man who belongs to a minority religion. Tithes in England and New England had been paid to the dominant church so the non-conformists of the moment had to support both the state church and their own. Taxes in England had originally been paid in kind to the King. As

late as the time of William Rufus the King periodically moved the court from place to place so it could consume the taxes. The right to avoid taxes was at times almost as desirable as the right to collect them.

Parliament originated as an advisory body for the King. It gradually attained the right to tax. Its laws were enforced by the courts. The judges were subservient at times to the King and at times to the Parliament. Any combination of King and Church, King and Army, King and Parliament inevitably led to serious abuses, but the most serious abuses came when King, Parliament and courts were united. Those colonists who were primarily democratic therefore determined that the executive, legislature and the courts should be kept separate at all costs. Obviously they were opposed to centralized government, and the division of powers would make centralized government hard to obtain.

The Constitution, even with the separation of powers, could not have been ratified without the inclusion of the "Bill of Rights", again showing the distrust by the people of the country of the institution of government.

Perhaps the ablest group that ever set out to frame a government was the Constitutional Convention of 1787. Included in its membership were George Washington and John Marshall of Virginia.

General Washington may have foreseen that he was to be the first President and that if no time limitation was put on the duration of the office by the Constitution, he could limit it by custom. But this is completely out of character. More

likely he saw the necessity for a limitation of power by limiting the presidency to two terms in terms of his personal dislike for the abuse showered upon him, but in either case he established a limitation which tended to divide executive and legislative more effectively than any planned separation of powers. Neither John Marshall nor the group foresaw the use that the Chief Justice was to make of the Bill of Rights as the basis for his complete check of the executive by the Court.

Nor did he see that if the term of the presidency might become unlimited in length one president might appoint all the members of the Court.

Nor could Thomas Jefferson at the time of the acceptance of the Constitution foresee that a day would come when he would, as president of the United States, purchase Louisiana, or that one of his successors would say: "John Marshall has made his decision; now let him enforce it."

The popular election of the President and the American party system are examples of custom, not constitutional law.

If an adaptation of British and American democracy worked none too well in France, where democratic tradition was strong, and failed in Germany, where there was at least a small group of democrats,

it is even less likely to succeed in Japan. In Japan, we are faced with an entirely different social, political and cultural history, a strong tradition by no means democratic, different economic problems. A satisfactory government for Japan can be worked out only by the Japanese and only in line with their own culture and philosophy, not ours. This is not to say that the Japanese or the Germans, or for that matter the Russians, may not adapt some parts of western democratic forms to their governments. But it is foolish to expect or demand that the pattern resemble ours. If the Japanese or the Germans really want democracy, they will work out some kind of democratic pattern to fit their culture: if they do not, no occupation armies can impose a democratic form that will force democracy upon them.

The occupation armies can, however, maintain order in Japan and Germany and can perhaps destroy the economic military potential of these nations temporarily. It is hard to believe that truly democratic elements in a defeated nation can be strengthened by an alliance with the armies of the victors. The northern occupation of the South after the Civil War, the German occupation of western Europe and the Russian occupation of the "satellite" states are more nearly what can be expected to happen.

• A group of eighth-grade girls were discussing their autobiographies to be written for a school assignment. One, age 13, protested: "I don't see how I can write one. I don't remember a thing about my childhood."

• Rural residents looking to the future are making heavy plantings of trees about their homes, perhaps as a defense against city relatives who may "drop in" for Sunday dinner in their post-war helicopters.

—*Kansas City Star*

The Shifting Balance of World Population

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TODAY the earth's population is growing at the fastest pace ever known. Also, new and extreme inequalities of growth are developing as between nations. Each of these facts poses grave problems for all mankind, not merely two thousand years hence but now. The rapidity of growth brings into question, for example, the world's food supply, a question of today. The changing inequality of growth calls to mind the world's shifting power relations, an obstacle to peace.

Fortunately, impending events cast their shadows before them in the field of population—more clearly perhaps than in any other social realm. Demographic trends manifest such regularity that when the basic figures are known, systematic estimates can be made 20 to 50 years in advance; and recent research has added greatly to the techniques of estimating. Consequently one can speak with confidence and in non-technical language about the outstanding changes in world population — changes that possess great political and social significance.

At present approximately 2,200,000,000 people inhabit the earth. Despite depression and war these myriads are multiplying so rapidly that every ten years approximately 175,000,000, or considerably more than the entire population of the United States, are being added. If

such a rate continues, the year 2000—a time when our children will still be living—will find the world with substantially more than 3,000,000,000 inhabitants, or half again what it now has. If the earth seems crowded today, how will it seem then?

But will such a rate continue? Obviously not. The growth must stop sometime, because if the present geometric pace were to last until the year 2240 the earth would hold 21,000,000,000 people, a number generally held to be impossible. The question then is not *if* the growth will continue, but *when* and *how* it will stop.

The stimulus that set off the unprecedented growth of population in modern times was the Industrial Revolution, which enabled greater numbers to support themselves with less effort. Its effect can be seen in the following figures:

	<i>Estimated World Popula- tion (Millions)</i>	<i>Annual Per Cent Growth in Prior Period</i>
1650	545	...
1750	728	0.29
1800	906	0.44
1850	1,171	0.51
1900	1,608	0.63
1940	2,171	0.75

Clearly the growth rate has accelerated. In the two centuries between 1650 and 1850 the world population doubled, but in only the