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Legitimacy in Government

By MARIO BELLINI

BUILDING A POST-WAR WORLD will hinge primarily on government — and governments must be weighed on the question of legitimacy or illegitimacy.

We may define as legitimate a government which is not contested — and as illegitimate a government which may be, or is, contested. Naturally, there is a question of right, a question of principle, involved. We may, for instance, question Roosevelt's policies and individual acts; but never can be questioned his right to be the President of the United States, because he was elected by an orderly and lawful system of elections which is accepted by all Americans. As for the dictators, we may question not only their policies but their very right of being at the helm of governments. Once the illegitimacy of dictators' power is proved, it is also easy to prove that no real good can be accomplished by the dictators, who are fully aware of being usurpers, and are therefore afraid.

Fear is the constant companion of dictatorship and the motive power of most of its acts. Fear is also the impetus for its terrorism and wars. Fear is the reason behind the so-called great accomplishments, which are intended to cover up the destructive and illegal work of the dictators. To impress their own and other peoples, to divert the world's attention from the fact that it was being drawn into a universal massacre, they have ordered certain improvements to be made. It is like curing grippe with a cancer.

The principle of legitimacy dates back to the *Ancien Regime*, when the monarchic form of government was in most states the legitimate one, because the nations accepted the idea that the sovereign was governing them "by the grace of God." He was to exercise this right during his lifetime, and after

his death, God passed it on to his oldest child. There might have been objections, at times, against a particular king or emperor, but the legitimacy of the monarchic form of government was never widely questioned by the people. The story of how this concept broke down through the period of the French Revolution is familiar.

What is not so well understood is how the principle of legitimacy was recreated and given a universal value for the new, oncoming democratic era by the great Italian thinker and historian, Guglielmo Ferrero, who applied it to all forms of government.

According to Ferrero, a government is legitimate if the people accept the "formula" (democratic, socialist, monarchist, and so on) which justifies its power, and when the government respects this formula.

Let us suppose — although it is not so — that Hitler has risen to power by the will of the people.

What has he done about this "will of the people" by which he justifies his right to govern them? He has violated and disregarded it, thereby rendering his government illegitimate, and thus forfeiting his right to govern.

The game of the modern dictators has always been the same, from Napoleon to Hitler: they managed to achieve their position by seemingly democratic methods (while everybody knew how much

pressure was exercised upon the voters) and then they maintained their position by absolutely anti-democratic methods. That is why dictatorships are actually "Democracies in reverse."

It is clear that the dictators cannot maintain the democratic formula which allegedly brought them to power, because they do not wish to take orders from the people, but to impose orders upon them.



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Briefly, they want to deprive the people of all power of control over the government (so vital to the existence of a democracy) and render powerless all forms of opposition. Their government has thus become the government of a minority, imposing its will upon the majority.

This brings us to one of the deepest and most perplexing problems of our time: how to establish a democratic regime in dictatorial countries after the war. There has been much talk of a transitional period, after the war, in which the democracies will have to give their full support and help to those democrats chosen for the reconstruction of the former fascist countries.

It is erroneous to believe — theoretically speaking — that every government at its inception must be legitimate in order to have the right to govern. Most governments, at the time of their establishment, are not legitimate. The important question is, whether they are not subsequently legitimized. There are governments, which, as time goes on, become legitimate; while others will never be legitimate, even if they last a thousand years.

To this second category belong the dictators, because they do not have in themselves the elements of legitimacy. They are so constructed and conceived that they can never achieve it. The governments of Napoleon, Mussolini, and Hitler alike were destined to remain illegitimate because they immediately violated the formula which justified their power: the people — supposedly sovereign — became, as Ferrero so beautifully defined it, "Sovereigns in chains," their government truly a "Democracy in reverse."

Why is the element of time an essential factor — though not the only one — for the establishment of a new legitimacy? Why is every *new* form of government illegitimate at its inception?

A political theory — no matter how good — is never perfect. It combines in itself good and bad elements. Man cannot create perfection because his mind cannot conceive it; it can conceive only part of the truth. What is favored by one is disliked by the other; to-day we admire and accept something which we rejected yesterday, and vice versa. How, then — under such conditions inherent to human nature — can we presume to be able to work out a universal formula adaptable to all space and all time? It is impossible.

We shall have to be content with a partial formula acceptable to a majority because it is reasonable, but

rejected as unacceptable to a minority. It is clear that such partial formulas — being new — require a certain amount of time before they are accepted.

Let us consider the governments which will ascend to power in dictatorial countries after the fall of the dictators. The people of these countries will probably have had their fill of nazism and fascism, but that does not say that they will automatically embrace democracy. Democracy is not only a credo, it is a *modus vivendi* which requires a certain measure of training. It may not be difficult to have the democratic principles accepted by generations who have grown up under fascism; the problem will be to have them accept the democratic methods as well. We cannot judge by Anglo-Saxon standards. Here and in England, democracy is practised as a matter of course, backed up by its long tradition in these countries. But to make democracy work in more or less virgin territories is a different matter. After the First World War, most countries established ideal democracies on paper, but they were unable to maintain them because of lack in tradition, training and experience. These elements can be acquired by time alone.

The greatest disaster which could befall Europe after this war is ended would be a repetition of the mistakes of Versailles. Then, they substituted for the monarchies hybrid forms of democracies, which were — as Ferrero called them — monarchic falsifications of democracy, or democratic falsifications of monarchy.

The governments succeeding nazism and fascism must not be dictatorial falsifications of democracy or democratic falsifications of dictatorship. It was the monarchist falsifiers of the German Republic who were responsible for handing over the power to the Nazis, and, profiting from their last defeat, they tried to take a revenge which has thrown the world into convulsions. If we do not take the necessary steps in advance, the dictatorial falsifiers of tomorrow will prepare another disastrous situation which will lead to a new war.

There is no reason to believe that we are taking the necessary steps to prevent such a catastrophe. We do very little to facilitate the establishment of legitimate governments in Europe, and at times we deal with out-and-out illegitimate governments.

In France, General de Gaulle formed a transition government which was neither legitimate nor illegitimate, but might very well open the way to a

legitimate government chosen by the people. This, General de Gaulle has done, not because, but in spite of, our policy, which at the outset gave all possible support, first to the pro-Fascist Darlan and then to the politically inept Giraud. The rule of these two men was illegitimate inasmuch as it expressed the will of the Petain government, to which it was sympathetic.

In Italy, our policy is to deal with the King and to recognize the House of Savoy as legitimate, until the people decide differently. But the House of Savoy has become illegitimate in Italy, because the King, violating the constitution by giving power to Mussolini, disqualified himself and also the Monarchy as an institution. Very few people in Italy want a monarchy — the majority want a republic. The King has therefore lost all authority — that is the result of his illegitimate use of power. The results of dealing with an illegitimate power in Italy are now evident: social, political, and economic chaos.

In a similar position is Greece. That, too, is an utterly illegitimate monarchy with which we deal and which we support in spite of the opposition of the Greek people. In 1935, when George II returned to Greece, he swore to respect the constitution, to preserve civil liberties and to maintain parliament. But he was no sooner on the throne than he installed the dictatorship of Metaxas, who soon dissolved parliament and imprisoned most of the Greek liberal leaders. We can understand why the Greek people resent the support George II receives from Britain. The National Liberation Front (E.A.M.), which is composed mainly of republicans, receives little or no help from the Allies. All attempts by the Royal Greek Government to win over the support of the Partisans have brought no result. And because they fought for the right to choose their own government, 87 per cent of Greek forces, including naval forces and sailors, were sent to British prisons or concentration camps in Egypt and the Near East. Here,

too, we see the result of dealing with an illegitimate government.

The problem of our relations with Poland is much more complicated. The exiled Polish government in London, besides having done its very best to promote discords among the Allies, is the successor of the 1939 government, which was elected according to the 1935 constitution. But that constitution was imposed upon Poland, which from that date has not known real freedom. The Polish government in London cannot therefore be called legitimate and can hardly be legitimized. True, it claims the support of the majority of the population; but the same claim is made by the Lublin government sponsored by Moscow.

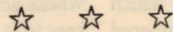
Utterly illegitimate is the government of Spain, which we recognize and support.

On the other hand, the governments of Belgium, Holland, and Norway are held to be legitimate because they were legally elected, and always respected the constitutions which legalize their power.

This war, with all its tragedies, came because illegitimate governments found no other solution to their problems. But the war came, also, because the democracies — legitimate governments — shrank from taking a firm stand against the dictators, and waited until they were attacked.

The problem of legitimacy is a purely political one; but if it is not solved it will be useless to speak of economic and social reconstruction. Reconstruction is not possible in a country where the people oppose the government or where the government does not respect its promises and engagements to the people. There would be a state of continuous revolution and the continuous threat of a new dictatorship.

So long as we deal with illegitimate governments (and often we keep them in power in spite of the opposition of the people) we build up chaos and insecurity in Europe.



Denmark's Underground Government

By GUNNAR LEISTIKOW

DENMARK IS THE ONLY OCCUPIED COUNTRY in Europe which has not, and never had, an exile government or exile national committee. But it is also the only country which has what practically amounts to an underground government.

"Denmark's Freedom Council" — "Danmarks Frihedsraad" is not a government in the usual sense of a council of responsible cabinet ministers appointed by the supreme head of the state according to the provisions of the constitution. There could no longer be any such thing after the Germans had taken over the Danish administration on August 29, 1943, made the King prisoner, and prevented the then existing lawful government from carrying out its functions. From that day on there has no longer been any constitutional life in Denmark, and it is not possible to provide a legal basis for any happenings in that country.

Nevertheless, the Freedom Council is a sort of government, in so far as it carries out those functions of a government which can be carried out in an underground existence, and because its authority in the present emergency situation is acknowledged undisputedly by the vast majority of the Danish people. As one of the highest Danish officials, who recently fled to Sweden, put it: by 99 per cent of the nation.

This Freedom Council came into existence early in September, 1943, less than a month after the Germans had brought the official Danish administration to a standstill. Its origin corresponded to the situation of the day: in spite of its true democratic nature it was not elected by vote nor appointed by authority, neither being possible under the strict surveillance of the Gestapo. Instead, outstanding representatives of the major underground organizations met and, in view of the urgent need of a body which could talk to the nation and the world unhampered by Nazi censorship, they constituted themselves as Denmark's Freedom Council conceived as a purely emergency committee to last only so long as no legal administration could be formed.

It is characteristic of the situation that among the groupings which set up this organ, and collaborated amicably and efficiently, were two parties that had been, in peacetime, the most extreme antagonists: communists and adherents of "Dansk Samling" (Danish congregation), a nationalistic and rather authoritarian, but fanatically anti-German, clan of the extreme right. Neither had any mass adherence or much tactical importance in peace time, but from entirely different motives they now belonged to the most ardent combatants of Nazi overlordship and Gestapo terror, and their zeal had led them together into an unrestricted comradeship of arms.

A Free Danish journalist who had been given the opportunity of being present at one of the Council's meetings gives the following description of its proceedings: "The leaders of the resistance are mostly middle-aged, but many are young men. All are equal, and the chair is taken by turns. One by one, the cases at issue are dealt with and discussed, and decisions are achieved without voting. Experience shows that agreement is reached quickly, even in the most difficult questions. A listener who is not aware of the identity of the members is unable to judge from their utterances who is a communist and who has conservative views. In the combat for freedoms these differences have no significance whatsoever."

The main task of the Council is to function as the general staff of the resistance movement, to plan belligerent action in accordance with the instructions of the Allies, arriving from London and by parachutist courier or over the air on secret wave-lengths, and to organize sabotage action into a well-timed pattern of strategical effect. It provides for secret courts to investigate and to pass death sentences against traitors, mainly informers of the Gestapo, whose activities endanger the lives of patriots. It also sees to it that such sentences are carried out by whatever means are at hand. The Council maintains underground post offices and organizes intelligence with Allied Headquarters, it coordinates cooperation between different resistance groups and provides an