The MSU Undergraduate Historian

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The MSU Undergraduate Historian Staff

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Essays

Letter from the Editors

We are thrilled to present the fifth volume of The MSU Undergraduate Historian. One of the few entirely under-graduate-operated history journals in the country, this journal strives to reflect the intellectual climate fostered by MSU's Department of History in its largest constituent body: the undergraduates. This year's publication features four excellent articles written by these undergraduates, who here exhibit symptoms of this wonderful setting of scholarship.

In the opening article, Alex Urban explores historical revisionism in Eastern Europe. Focusing primarily on the revision of textbooks, Alex elucidates an active attempt by Communist Russia to disassociate and re-envision historical figures, movements, and events in order to re-shape then present attitudes and to legitimate communist rule.

Kasper Volk addresses the contemporary debate over Just War Theory in respect to the recent conflict in Iraq. Kasper establishes the historical development of Just War Theory in order to argue that Neo-conservative lay Catholic interpretation of Just War Theory represents a return to a pre-WWII conception of Just War Theory. This return, he argues, is the primary contradistinction between present Catholic hierarchical understanding of Just War Theory and Neo-conservative lay Catholic interpretation.

In light of the present issue of national health care in the United States, Roberto Brandao returns to the first attempt to im-

plement national health care legislation. Originally part of the Social Security Act (1935), national health insurance was eventually excluded from the final bill. Roberto argues that the American Medical Association (AMA) had a significant influence on the Committee for Economic Security (CES) and, as such, was directly responsible for the exclusion of national health insurance.

Kelly Adsit addresses monopolies and anti-trust legislation during the progressive era in the United States. By comparing the presidential agendas of Theodore Roosevelt, William Howard Taft, and Woodrow Wilson, Kelly tracks the development of anti-trust legislation and the impact of increasing government regulation on the monopolistic business practices of the period.

Volume 5 of The MSU Undergraduate Historian would not be possible without the patronage of Dr. Keely Stauter-Halsted, Department Chair, and the financial support of MSU's Department of History. Special thanks is owed to Dr. Christine Daniels who provided much-welcomed guidance throughout the arduous publication process.

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Greg Curtis
Editor-In-Chief

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A Note on the Review Process of Volume 5

The review process for Volume 5 of The MSU Undergraduate Historian has been a return to originally established procedure. All submitted articles were reviewed with the use of a double-blind procedure by the board of student editors under the guidance of Dr. Christine Daniels. After considerable review, four papers were selected from the nearly 50 essays submitted this year.

History's Red Pencil:
National Identity and Historical Revisionism in Eastern Europe

"Today, faced with the attempts by the American warmongers to extinguish the national traditions and characteristics of the German people, it is more important than ever to rewrite German history, free of all falsifications and distortions... For in the maturation process of our people's national consciousness, knowledge and mastery of history play a decisive role."[1] These words were spoken at the time of the opening of the Museum of German History by Professor Gerhard Harig, State Secretary for Higher Education in the German Democratic Republic (GDR), and in this opinion he was not alone. Communist Eastern Europe used historiography to overcome the challenge of proving its legitimacy. Educating generations on their history creates national identity. Different communist governments used historical revisionism to mold new identities that would support their rule. This paper will discuss and analyze the expansive use of textbook revisionism across the whole of Eastern Europe. It will

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1 Alan Nothnagle, "From Buchenwald to Bismarck: Historical Myth-Building in the German Democratic Republic, 1945-1989". Central European History 26, no. 1 (1993): 104. [my emphasis]

draw heavily from analyses of historiography, Eastern European textbooks, and correspondence between different censors within communist governments in order to show the effects and causes of historical revisions.

Textbooks—the most prominent mode of teaching history to students in the time and region this paper studies—play an important role in the formation of national character. This paper further explores the use of textbooks in Eastern Europe and how they pursue to promote new national identities. The quelling and propagandizing of certain portions of national history in textbooks prior to 1989 have caused traces of nationalism in the education provided to students in Eastern Europe today.

Soviet Textbooks

During the communist period, Eastern European governments promoted unity under a communist identity through textbooks. The difficulty of advocating union with the USSR forced new communist governments to attempt to erase collective memories. By creating gaps in national history, communist governments attempted to educate students by reemphasizing other portions of history to create a communist national identity. Textbooks within the German Democratic Republic (GDR) display these acts of historical revisionism. Communist governments considered it necessary to remove historical connections with Western Europe in order to promote new connections with the communist East. For example, the French Revolution, considered the shining moment of democracy, impacted all of Europe, including Germany. As a replacement for the German connection to the French Revolution, the new standard was to teach GDR students about East Germany's liberation from Napoleon. GDR historians used the image of

Napoleon to symbolize fascism ruling over Europe and taught students of the Prussian and Russian alliance that helped to liberate East Germany. It was meant to show that Russian patriotism brought about the end of the Napoleonic occupation on German soil and opened the path to national independence and peace.[2] By reemphasizing history in this way, GDR historians attempted to legitimize communist rule in Germany and their country's connection to Moscow.

Polish textbooks also reinterpreted history to create a new communist identity. Historically, Poland is viewed as incompatible with the USSR due to conflicts prior to the end of WWII. The communist government had to remind censors to heavily manipulate national Polish history in order to promote a new identity. In the case of a children's encyclopedia, the glorification of history was allowed to replace what was considered original national history. By doing so, government censors exposed children to the supposed roots of communism in Polish history. This point can be seen in this correspondence between the Office for Control Press and publishers, this note was written:

> Main Office for Control of Press,
> Publication and Public Performances
> Instruction and Documentation Group
> Nr ZI-Pf-131/2/77
>> Warsaw, February 11, 1977
>> CONFIDENTIAL
>> Copy No. 29
>
> Information Note No. 2
> In connection with Regulation No. 167, we are informing you that a number of criticisms have been made of the content of Encyklopedia

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2 Ibid., 91.

dla Dzieci [Encyclopedia for Children]. They concern, among other things: the selection of historical figures to be discussed (omission of a number of names, while including, for example, Ignacy Moscicki [president of Poland in the interwar period, 1926-39] as a pioneer of Polish chemistry); the absence, under the heading "Capital," of any discussion of the role of the Polish Army and the Soviet Army in the liberation of Warsaw…   For these reasons, it has been determined fitting to direct reviews of the book in such a way that they will be balanced and not completely favorable.

Vice-Chairman
Edward Adamiak[3]

By deleting national heroes from textbooks and replacing them with alleged examples of communist roots, censors attempted to revise people's understanding of Polish history.

Additionally, communist governments manipulated certain historical figures in textbooks in order to emphasize their socialist aspects prior to the end of World War II. GDR citizens presented a challenge to the new communist government. Due to Germany's placement in Europe, its history is connected to both the liberal democratic West and the communist East. In order to support claims of antifascism and Soviet relations rooted in Germany as a whole, new books used national figures to influence younger generations. The concept of the German "progressive classes," classes of citizens, who, even without their knowledge, promoted the doctrines of democracy and communism, became a pillar to East Germany's education. Albert Norden, a Socialist Unity Party (SED) theorist, tried to promote this idea of progressive classes. In Norden's book Kampf um die Nation, he embraced the figures of German history who, regardless of their own class status or personal beliefs, had contributed to the strengthening

3 Jane Curry, The Black Book of Polish Censorship. (New York: Vintage Books, 1984), 327.

and unification of the German people.[4]   Now German students were taught that "Goethe was an intellectual pioneer of Marxism ... Bach was ... a profoundly popular composer who struggled against the Protestant Church and 'formalism' ... [And] Beethoven ... inspired the son of our people, [Karl Marx]."[5]

Textbooks were also created in order to promote national harmony between the USSR and other communist countries. Communist governments' different interpretations of the medieval state of Kyiv Rus show national history was molded to support communism.   Different schools of thought within Ukraine, each with a broad set of ideas and interpretations, study Kyiv Rus. The Ukrainophile and Sovietophile schools are two of these. The Sovietophile school was the dominant mode of thought during communist governance of Ukraine. Kyiv Rus is often considered the predecessor to three east-Slavic nations today: Belarus, Ukraine, and Russia. Therefore, Sovietophile historians treated Kyiv Rus as a unifying predecessor for the USSR. In Ukraine it was viewed as "nationalist" of the worst kind and a crime to use the words "Ukrainian" and "Ukrainians" for the Kyiv Rus era, whereas Russian historiography could freely use "Rus'ky" as a synonym for the term "drevnerusskaya" to posit an ancient identification with Russia.[6] This interpretations contrasts with the post-communist interpretation of Kyiv Rus in the Ukrainian textbook, Opovidannia—describing it as a Slavic state and the birthplace of the Ukrainian nation.[7]

Ukraine experienced manipulation of its national figures as well. Stephan Bandera was one of these. Bandera has been

4   Nothnagle, "From Buchenwald to Bismarck", 102.

5   Ibid., 97.

6   Ibid., 410.

7   Nancy Popson, "The Ukrainian History Textbook: Introducing Children to the 'Ukrainian Nation'". Nationalities Papers 29, no. 2 (2001): 330.

alternately viewed by many as a possible liberator of Ukraine or terrorist for his actions during WWII. Bandera's resistance groups, the UPA and OUN-B, did create an alliance with Nazi Germany; however, the extent of their involvement and the reasons behind it are still being contested by historians today. Prior to 1989, communist education administrators looked unfavorably at Bandera. They considered Bandera to be an inappropriate symbol for younger generations. Before Ukrainophile historians were allowed to practice and present their views, Soviet authorities gave descriptions of Bandera's army as "'Ukrainian-German nationalists', agents of 'Anglo-American imperialists', 'bandits', and 'traitors to the Motherland.'"[8] Yet, after immense political change, new perspectives in Ukrainian universities and schools consider Bandera a hero; post-1989 textbooks are virtually absent of his faults and offer sympathetic views of the nationalists.[9] These new portrayals of Bandera will be explored further in this piece. Despite the effort of the Ukrainian communist government, the post 1989 portrayals of Bandera show the deep affinity of the Ukrainian people toward him. This control of national history prompted the post-1989 Ukrainian government to present Bandera as a model for students, even if it means continuing to hide facts about him.

Why Soviet Revisionism Failed

By 1989, Soviet Revisionism in textbooks was largely unsuccessful in promoting an all-encompassing Soviet identity. Influences outside of schools and textbooks sustained national collective memory under communist rule. The discrepancies and inconsistencies of what students learned from their textbooks in school and what they learned from life at home with their

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8   David Marples, "Stepan Bandera: The Resurrection of a Ukrainian National Hero." Europe-Asia Studies 58, no. 4 (2006): 563.
9   Ibid., 563.

parents pushed them to seek new forms of education. This push flowed after communism in Eastern Europe—suggesting deep-seated nationalism. Until then, however, different forms were found outside of textbooks. Poland provides examples of their incompatibility with Soviet Revisionism and its provided texts. Unadministered education was found in private apartments of experts and professors who were prohibited from teaching their views of history on the communist takeover, Polish-Soviet relations, and the history of the Polish Communist Party.[10] These courses, known as "Flying Universities," filled in the historical gaps that Polish high school and university students did not receive from their class textbooks.

In its attempt to confirm the legitimacy of communism in the new countries, historical instruction, by its own fragmented nature, weakened myth creation. The example of the GDR shows the indigestibility of mixed, administered history. Although the SED sought to supplement the usually dry historical propaganda served up in most books, they ultimately failed in producing a communist identity. The mythology they presented appealed to most SED members, as well as to the merely ignorant, but it was incoherent to most moderately educated citizens. The SED began in 1946 to print the works of German classical literature, together with Russian, Soviet, and antifascist texts, and made the intense study of German high culture mandatory in the schools and the Free German Youth organization.[11] Yet, by the 1950s with the deepening of the Cold War, the GDR gave up its pretensions to ideological independence and adopted a policy of strict subordination to the Soviet Union. The introduction of the proletarian cult and deification of Stalin mixed with state enlistment of Martin Luther in historical ideology was hard to

10 Curry, The Black Book, 319.
11   Nothnagle, "From Buchenwald to Bismarck", 96

embrace by the educated East Germans.[12]

Textbook Revisionism Post-1989

Communism had ended and emerging governments strove to promote new identities in younger generations. Once again, textbooks became the target of revisionism. Even with the change in administered historical culture, the techniques used after 1989 are eerily similar to Soviet tactics. The elites of each country, like those during communist Eastern Europe, completely controlled the curriculum and the textbooks meant to promote a new national identity. New governments needed to create a collective identity that provided social cohesion and legitimacy. For example, the Ukrainian educational system became (and still remains) centralized. The plans are written by a collective of authors under the editorship of an academician in each subject from the Academy of Sciences of Ukraine. Their goal is "instill[ing] in pupils the particular characteristics of citizens of Ukraine and general human value orientations, rais[ing] citizens' consciousness, worth and honor … emphasizing the ideals of humanism, democracy, goodness, and justice," and foster[ing] tolerance, unprejudiced perceptions, and a positive attitude toward other nationalities, groups, and individuals."[13] The national elites of each country choose what to place in these books in order to raise new citizens. In Bulgaria, for example, the national elites have decided to compensate the perceived civilizational deficit of the 19th century Bulgarian culture.[14] The government and the national elites, like the Soviet Union before,

12   Ibid., 102.
13   Popson, "The Ukrainian History Textbook", 327.
14   Evguenia Davidova, Repackaging Identities: History of Textbooks, European Travel and the untarnished Bulgarian 'Europeanness'. East European Quarterly 40, no. 4 (2006): 430.

are making centralized decisions on the historical knowledge of the next generation.

The Effects of Textbook Revisionism

The suppression of national history in Eastern Europe and the techniques used in promoting new national identities caused a surge in historiography that contains hints of nationalism. As communist governments often played on the classical heritage of national identities in order to promote union with Soviet ideology, countries today are playing on national history in textbooks. Despite the change to democratic government from police-state, historiography in some countries remains jarringly political rather than objective. This is evident, in one respect, in the biased interpretations of national heroes in textbooks that allow students to uncritically praise national symbols with little to no regard for international historical prespectives. The aforementioned Stephan Bandera has been molded for different textbooks to form new identities. This is displayed in contemporary Ukraine's treatment of Bandera and his involvement with the UPA. They are presented as fighters against the Stalin regime in the post-1989 state approved Ukrainian textbook, Opovidannia. The textbook describes to children that "it is worth remembering that the rebels were on their own land. They did not wish to defeat someone and seize their land. They conducted a war of liberation to defend their own land, people, and families. They did not want to live in Bolshevik slavery."[15] Although historians still debate on alleged terrorist activities of the UPA and OUN, and even though many realize the vilification of Bandera used by Soviets, new studies have come out describing some disagreeable aspects of these groups. Studies of the wartime period describe

15   Popson, "The Ukrainian History Textbook", 333.

the massacre of the Polish population of Volyn by the OUN-B in what has been described as one of the earliest twentieth century examples of 'ethnic cleansing.'[16] Despite this, Ukrainian textbooks still idolize this symbol in order to legitimize their country and implant new feelings of national identity following communist control.

The use of ethnicity in textbooks to promote general social cohesion has, in turn, caused the demonization of other social groups. As mentioned before, similar tactics used by communist governments to encourage new national identities are still being used today. Some communist textbooks were characterized by undertones of ethnocentrism in order to solidify union with Slavic countries as well as communist ideology; the use of cultural heritage was a pillar to creating a communist connection. After 1989, however, renewed interest in solidifying national identity has caused a reemergence of nationalist revisionism. Bulgarian textbooks, often using European travelogues, employ negative interpretations of Turks and Muslims in order to promote a distinctly European and Bulgarian identity. The use of negative portrayal of the Ottomans is used as a foil to Bulgarian "Europeaness." This manifests itself in terms used in Bulgarian textbooks, such as "Islamasised pagans"[17] and the [18]return of stereotypes like the "Ottoman yoke."

New revisions in history textbooks have created isolationism in national identity; the historiography is used to promote "one's own" against "another's history". This is especially true for the Balkans and Ukraine. For example, C. Jelavich analyzed

16 Marples, "Stephan Bandera", 563.
17   Mirela-Luminita Murgescu, "Rewriting Textbooks as a Tool of Understanding and Stability". *Journal of Southeast European & Black Sea Studies* 2, no. 1 (2002): 92.
18   Ibid., 91.

over 150 Serbian elementary and secondary school textbooks in geography, history, and literature from 1878 to 1914. He noticed that Croats, integral to Balkan history, were never mentioned.[19] After 1989, there has been a similar reemergence of ethnocentrism in textbooks. The suppression and rewashing of national history for over half a century kept the explosive nature of ethnic tensions relatively calm. After the fall of communism, the sudden struggles to legitimize national dependence and the ability to control historiography, new countries have developed hints of nationalism in their textbooks. After the Bosnian civil war, inflamed with rage and a new sense of purpose after the fall of communism, each of the three ethnic communities there have developed a separate education system, with specific curricula and textbooks. The Croat part of Bosnia publishes its own textbooks, while those used in Republica Srpska come mainly from Serbia.[20]

Ukraine's use of dominant cultural pillars in textbooks is a source of nationalism within the county—playing "their" history above that of other groups After 1989, Ukraine attempted to overcome an inferiority complex in regard to Russia with their textbooks. The state-used Ukrainophile school of historiography contains an "anti-Russian" hostility, and it portrays Russia as Ukraine's negative principle "Other."[21] Examples of "otherness" in history are distributed in the Ukrainian textbook Opovidannia. There are times, when talking about the Ukrainian diaspora, that linguistics plays a part in forming "otherness" with different nations or ethnicities, such as when nash narod ("our people")

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19   Philip Cohen, *Serbia's Secret War: Propaganda and the Deceit of History*. (TAMU Press, 1996), 160 n. 7.

20   Murgescu, "Rewriting Textbooks", 94.

21   Kuzio, "National Identity and History"*,* 416.

without a doubt refers only to Ukrainian people.[22] This also comes about when teaching children the importance of tradition and language:

It is conceivable, that in such large cities as Chernihiv, Kharkiv, Mikolayiv, and Donetsk Ukrainian words fly from the lips of only isolate passers-by, and that children learn in languages other than their native tongue? To live in Ukraine and not know its language is inappropriate. Without native language there is no history, no culture, no future.[23]

A dominant cultural pillar may be necessary for producing a new national identity. When this is ethnically exclusionary, however, pupils or their families may experience forms of discrimination, which is especially true for members of nationalities that have not been traditionally found in Ukraine, such as those from Afghanistan, Southeast Asia, or Africa.[24]

Conclusion

As noted, the content provided in Eastern European textbooks has shifted since the fall of communism. But the historical gaps, manipulation of heroes, and the self-serving use of historiography by a central government remain. Both communist Eastern Europe and the newly emerged independent countries of this area have attempted to use textbooks to instill new cultural identities. Additionally, the new historical textbooks in Eastern Europe contain components of nationalism. This is due to the tactical suppression of national history for half a century, which caused an outburst of national pride in cultural history and a need to legitimize new independence. As Karl Marx writes, "the tradition of all the dead generations weighs like a nightmare on

22   Popson, "The Ukrainian History Textbook", 340.
23   Ibid., 339.
24   Ibid, 340.

the brain of the living… in such periods of revolutionary crisis they anxiously conjure up the spirits of the past to their service and borrow from the names, battle cries, and costume in order to present the new scene of world history in this time-honored disguise and this borrowed language."[25] As time passes and more nations strive to create new identities and contest for placement in the European Union, Marx's words may be vindicated.

25   Karl Marx, "the Eighteenth Brumaire of Louis Bonaparte," in L.S. Feuer, ed., *Basic writings on Politics and Philosophy—Karl Marx and Friedrich Engels* (Garden City: New York, 1959), 320.   )

Work Cited and Consulted

Cohen, Philip J., and David Riesman. Serbia's Secret War: Propaganda and the Deceit of History. College Station, TX: Texas A&M University Press, 1996. *American Bibliography of Slavic and East European Studies*, EBSCOhost (accessed November 7, 2009).

Curry, Jane. *The Black Book of Polish Censorship*. New York: Vintage Books, 1984.

Davidova, Evguenia. "Re-Packaging Identities: History Textbooks, European Travel and the Untarnished Bulgarian 'Europeanness'." *East European Quarterly* 40, no. 4 (December 1, 2006): 429-441. A*merican Bibliography of Slavic and East European Studies*, EBSCOhost (accessed November 7, 2009).

Kuzio, Taras. "National Identity and History Writing in Ukraine." *Nationalities Papers* 34, no. 4 (September 1, 2006): 407-427. *American Bibliography of Slavic and East European Studies*, EBSCOhost (accessed November 7, 2009).

Marples, David R. "Stepan Bandera: The Resurrection of a Ukrainian National Hero." *Europe-Asia Studies* 58, no. 4 (2006): 555-566. *Historical Abstracts*, EBSCO*host* (accessed November 11,   2009).

Marx, Karl. "The Eighteenth Brumaire of Louis Bonaparte," in L.S. Feuer, ed., *Basic writings on Politics and Philosophy—*

Karl Marx and Friedrich Engels. (Garden City: New York, 1959), 320.

Murgescu, Mirela-Luminita. "Rewriting School Textbooks as a Tool of Understanding and Stability." *Journal of Southeast European & Black Sea Studies* 2, no. 1 (2002): 90-104. *Historical Abstracts*, EBSCO*host* (accessed November 11, 2009).

Nothnagle, Alan. "From Buchenwald to Bismarck: Historical Myth-Building in the German Democratic Republic, 1945-1989." *Central European History* 26, no. 1 (January 1, 1993): 91-113. *American Bibliography of Slavic and East European Studies,* EBSCOhost (accessed November 7, 2009).

Popson, Nancy. "The Ukrainian History Textbook: Introducing Children to The 'Ukrainian Nation'." *Nationalities Papers* 29, no. 2 (2001): 325-350. *Historical Abstracts*, EBSCO*host* (accessed November 11, 2009).

Rival Conceptions of Just War Theory in the Debate Preceding the Iraq War

Abstract

Prior to the Second Iraq War, the hierarchy of the Catholic Church and certain neoconservative lay Catholic thinkers engaged in an extensive debate over the justness of the impending conflict. This controversy was significant because the Catholic Church is widely viewed as a locus of moral authority, whose judgments on matters of war and peace carry considerable weight with many Catholics and non-Catholics worldwide. Therefore, the interpretation of Catholic just war doctrine has potentially serious implications for future foreign policy decisions. The current, official interpretation of Catholic just war theory is that which is set forth by the Church's hierarchy, through such devices as the Catholic catechism, papal encyclicals, and bishops' statements. Although both the Catholic hierarchy and their neo-

conservative opponents ostensibly based their arguments upon the current official interpretation of Catholic just war theory, they reached starkly contrasting conclusions. Whereas the Catholic hierarchy condemned the proposed war as unjust, the neoconservative Catholics under discussion advocated military intervention. In order to understand how this divergence occurred, this paper explains current, official Catholic teaching regarding just war, traces the development of that doctrine with specific focus on its evolution since World War II and the Second Vatican Council, and examines the arguments offered by both sides of the debate. The analysis finds two critical developments in just war theory over the past six decades. One is that the definition of just cause became progressively narrower. The other is that legitimate authority was increasingly viewed as residing with the United Nations rather than the nation-state. In arguing for the justness of the Second Iraq War, neoconservative Catholics did not simply interpret facts differently than the Church hierarchy, but essentially appealed to an older, pre-World War II conception of just war theory. Because the two sides of the argument represented differing interpretations of Catholic just war doctrine, the implications of the debate go far beyond the specific circumstances of Iraq. Rather, the argument will be a feature of all future conflicts until those advocating an older interpretation of just war theory either abandon their position, or succeed in changing the current official teaching of the Church.

Introduction

Prior to the inception of the Second Iraq War in 2003, the Catholic Church's hierarchy and certain neoconservative lay Catholic thinkers engaged in an extensive debate over the just-

ness of the impending conflict. This controversy was significant because the Catholic Church is widely viewed as a locus of moral authority, whose judgments on matters of war and peace carry considerable weight with many Catholics and non-Catholics worldwide. Therefore, the interpretation of Catholic just war theory has potentially serious implications for future foreign policy decisions.

Just war theory refers to the large body of doctrine that establishes the criteria that a war must meet in order to be considered just. Originally developed by the Roman Catholic Church, just war theory has evolved and continues to evolve over time. The current, official interpretation of Catholic just war theory is that which is set forth by the Church's hierarchy, through such devices as the Catholic catechism, papal encyclicals, and bishops' statements.

Although both the Catholic hierarchy and their neoconservative opponents ostensibly based their arguments for and against the Iraq war upon the current, official incarnation of Catholic just war theory, they reached starkly contrasting conclusions. The hierarchy, represented by the Vatican and the United States Conference of Catholic Bishops (USCCB), held that the war was unjust.[1] In contrast, certain neoconservative Catholic thinkers strongly advocated military intervention and sought to justify the conflict by arguing that it met the current, official Catholic definition of a just war.[2] In doing so, they hoped to

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1 The Catholic hierarchy in other countries also expounded the official Catholic position, but because their nations were less directly involved in the decision to go to war, they did not address the issue as thoroughly as the American bishops.

2 The term "neoconservative" refers to those espousing the belief that American national security and global stability are best

enlist the moral authority of the Catholic Church in support of their cause.

Even though the neoconservative thinkers who supported the war were in no way affiliated with the Vatican, they were significant because, in opposition to the Church's hierarchy, they made an ostensibly Catholic case for military intervention in the Persian Gulf. The leading voice of this camp was undoubtedly George Weigel, a Senior Fellow of the Ethics and Public Policy Center. Other prominent members included Michael Novak, an American Catholic philosopher and diplomat, and Father Richard Neuhaus, president of the Institute on Religion and Public Life and editor-in-chief of the ecumenical journal *First Things*. Their writings are representative of the movement as a whole.

The Church officially accepts that reasonable men may review the same set of facts and arrive at different conclusions. However, as this paper will argue, the dispute between the neoconservative Catholic thinkers in question and the Catholic hierarchy in the debate leading up to the Iraq War resulted not simply from differing interpretations of the facts of the case, but from differing conceptions of just war theory. The neoconservative Catholic thinkers, despite explicitly claiming to base their arguments on current, official Catholic just war theory, implicitly argued from the pre-World War II understanding of just war. The Catholic hierarchy, on the other hand, argued from their own current Catholic teaching. Their teaching on just war theory has evolved considerably since World War II and the Second Vatican Council, which revised a considerable amount of long-

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secured through the proliferation of capitalism and democracy throughout the world and that the unique position of the Unites States gives it the right and obligation to promote this through the application of economic, diplomatic, and military power.

standing Catholic doctrine in the early 1960s. Because the two sides of the argument represented differing views of just war theory, the implications of the debate go far beyond the specific circumstances of Iraq. Rather, the argument will be a feature of all future conflicts until those advocating an older interpretation of just war theory either abandon their position, or succeed in changing the current official teaching of the Church.

In order to comprehend the competing claims made from within the just war framework, it is first necessary to understand both the Catholic Church's current teaching on just war and the process by which that doctrine has evolved since World War II. The first section of the paper provides this background, while the second section analyzes the assertions themselves. The analysis is limited to debate prior to the inception of the war, is based on facts as they were known and understood at the time, and seeks to avoid retrospective interpretations based on subsequent events as the conflict unfolded. The final section of the paper shows how the arguments made by certain neoconservative lay Catholics in favor of military intervention in Iraq drew on pre-World War II interpretations of just war doctrine, rather than on the current, official teaching of the Catholic Church.

Current Catholic Teaching on Just War

Current, official Catholic teaching provides a set of strict criteria that must be met in order for a war to be just. This framework was succinctly outlined in the National Conference of Catholic Bishops' 1983 pastoral letter *The Challenge of Peace*. [3] The bishops' letter identified seven criteria of *jus ad bellum*

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3 National Conference of Catholic Bishops, *The Challenge of Peace: God's Promise and Our Response,* May 3, 1983 (Wash-

("justice to war"), which govern the decision to go to war, and two of *jus in bello* ("justice in war"), which govern the practice of war. The *Catechism of the Catholic Church*, which summarizes Catholic beliefs, contains the official Church teaching upon which the pastoral letter drew and expounded.[4]

The first *ad bellum* criterion is just cause. This principle holds that military force is authorized only to defend against a "real and certain" threat to innocent life, basic conditions for decent human existence, or human rights.[5] The *Catechism* says that the damage inflicted by the aggressor must be "lasting, grave, and certain."[6] The second criterion is competent authority, which means war must be waged by a legitimate public authority, rather than by individuals or private groups.[7] The *Catechism* teaches that once the conditions for just war are met, the public authority has both the right and the duty to compel its citizens to take measures necessary for national defense.[8] The third criterion identified is comparative justice, which is the determination of which side in a dispute is more objectively justified.[9] The bishops' letter recognized that in practice, this is difficult to determine, as both parties generally assume their cause to be the more righteous. This concept is an expansion of the just cause

ington, D.C.: US Catholic Conference), n. 85-110, http://www.usccb.org/sdwp/international/TheChallengeofPeace.pdf (accessed March 12, 2008).

4 *Catechism of the Catholic Church*, 2nd ed. (Washington, D.C.: US Catholic Conference, Inc. 1997), n. 2309-11.

5   NCCB, *The Challenge of Peace*, n. 86.

6 *Catechism,* n. 2309.

7 NCCB, *The Challenge of Peace*, n. 87-91.

8 *Catechism*, n. 2310.

9 NCCB, *The Challenge of Peace*, n. 92-4.

criterion, and is not specifically referenced in the *Catechism*.

The fourth principle of *jus ad bellum* is that of right intention.[10] That is, war can only be intended for the reasons set forth under the just cause principle. This principle is assumed in the *Catechism*, but not explicitly stated. Fifth, both the pastoral letter and the *Catechism* state that war may only be waged as a last resort, once all peaceful means of resolving a conflict have been exhausted.[11] Sixth, there must be a serious prospect of success.[12] The final *ad bellum* consideration is proportionality. According to this principle, the use of military force must not produce greater evils and disorders than those that are eliminated, and by extension must be limited in its aims and means.[13]

The two *in bello* principles that must be observed are discrimination and proportionality. Discrimination in this context means distinguishing between combatants and non-combatants as well as between military and civilian targets, while proportionality means that the force used in response to aggression must be proportional to the offense, and must be limited to what is necessary to accomplish the intended objectives.[14]

Evolution of Catholic Just War Doctrine

Catholic just war theory can be broadly divided into two conceptions, the classic and the modern. Classic just war theory, to which the neoconservative writers who supported the Iraq

10 Ibid., n. 95.

11 Ibid., n. 96; *Catechism,* n. 2309.

12 NCCB, *The Challenge of Peace*, n. 98; *Catechism,* n. 2309.

13 NCCB, *The Challenge of Peace*, n. 99; *Catechism,* n. 2309.

14 NCCB, *The Challenge of Peace*, n. 101-10; *Catechism,* n. 23 12-14.

War often referred, began with the teachings of St. Augustine. Although it was expanded and revised over the subsequent centuries, it remained more or less intact until World War II. After that conflict, Catholic just war doctrine entered its modern phase, during which it underwent a significant transformation. The current, official version of Catholic just war theory is the result of that evolution, which centered upon the concepts of just cause and legitimate authority.

The Catholic just war tradition originated with the writings of St. Augustine and St. Thomas Aquinas. The fifth-century theologian St. Augustine provided the theory's basic framework and contributed the concept of *tranquillitas ordinis* ("tranquility of order").[15] According to this concept, peace was not simply the absence of war, but was rooted in an international order created by just communities mediated by law.[16] St. Augustine believed that war was a just and necessary means of maintaining the *tranquillitas ordinis*. Thus, for him, war was primarily a problem of injustice. The Augustinian conception of just war was systematized and explicated in the 1200s by St. Thomas Aquinas, who

15 J. Bryan Hehir, "The Just War Ethic and Catholic Theology: Dynamics of Change and Continuity," in *In the Name of Peace: Collective Statements of the United States Catholic Bishops on War and Peace, 1919-1980*, National Conference of Catholic Bishops (Washington, D.C.: United States Catholic Conference, 1983), 90.
16 J. Bryan Hehir, "The Just War Ethic and Catholic Theology: Dynamics of Change and Continuity," in *In the Name of Peace: Collective Statements of the United States Catholic Bishops on War and Peace, 1919-1980*, National Conference of Catholic Bishops (Washington, D.C.: United States Catholic Conference, 1983), 90.

thereby added his theological authority to the concept.[17]

Catholic just war theory was further developed by the Spanish Scholastics.[18] This group, which was affiliated with the School of Salamanca in 16th-century Spain, sought to reconcile the teachings of St. Thomas Aquinas with the new political and economic order of Renaissance Europe. The writings of its leading theologians, Francisco de Vitoria and Francisco Suarez, dealt with the problems caused by the demise of the unified Christian order and the rise of the nation-state.[19] Accepting that the secular state had become the arbiter of questions of war and peace, they sought to salvage the just war doctrine by revising its structure. Recognizing that both disputants could subjectively claim to be in the right, they shifted the focus of the teaching from *jus ad bellum* to *jus in bello*, and sought to limit the scope of violence among the states.

The classic conception of just war, as developed by St. Augustine, St. Thomas Aquinas, and the Spanish Scholastics, changed relatively little prior to World War II. Since that conflict, however, Catholic just war teaching has undergone a significant evolution. The first step in this process occurred through the teachings of Pope Pius XII, who revised the conception of just cause.[20] Previous teaching had held that war could be justly waged to defend against aggression, to recover possessions wrongfully taken, or to stop evil and maintain the *tranquillitas ordinis*.[21] Pius XII, appalled by the destructive potential of mod-

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17 Ibid., 90-1.

18 Ibid.

19 Ibid., 91-2.

20 J. C. Murray, "Remarks on the Moral Problem of War," *Theological Studies* 20 (1959): 40-61.

21 Ibid., 45-6.

ern war, reduced the legitimate causes of war to only one, the defense against aggression. However, he left the term open to interpretation by never explicitly defining it. He himself seemed to view war not in terms of aggression but as a problem of injustice, along more traditional Augustinian lines. Thus, even though the Pope's pronouncement narrowed the definition of just cause, it left some room for the broader interpretation found in classic just war theory. Furthermore, while he proscribed all forms of aggressive war, he strongly reaffirmed the right of legitimate self-defense when unjustly attacked and menaced in rights essential to national existence. He also continued to deny the validity of conscientious objection, indicating that he considered just war to remain a distinct and practical possibility.[22]

The other significant development to just war doctrine under Pius XII was that, in proscribing aggressive war, he removed the right of waging war from the sphere of national sovereignty, where scholastic tradition had placed it.[23] He felt that such a right blocked progress towards a true international community. Thus, the criterion of legitimate authority began to take on a different interpretation.

The next major step in the evolution of the just war doctrine may be found in two Vatican II-era documents, Pope John XXIII's *Pacem in Terris* ("Peace on Earth") of 1963 and Pope Paul VI's *Gaudium et Spes* ("Joy and Hope") of 1965. *Pacem in Terris* was significant because it did not include an explicit endorsement of self-defense as a legitimate cause for war.[24] Instead, it stated that war, especially in the nuclear age, was no longer an appropriate means to restore justice, and that disputes

22 Ibid., 53.
23 Ibid., 46-7.
24 Hehir, "The Just War Ethic," 96.

between nations must be resolved by negotiations rather than armed force.[25] *Gaudium et Spes* called for an "entirely new attitude" in the evaluation of war.[26] However, it reaffirmed the right of nations to defend themselves against attack, and the duty of public authority to protect its citizens. It also built on the pacifistic tone of *Pacem in Terris* by acknowledging the legitimacy of conscientious objection for the first time. The document praised those who renounced violence, while still recognizing those in military service to be agents of security and freedom who also contributed to the establishment of peace.[27] *Gaudium et Spes* also advanced the cause of an international order, calling all nations to work for the establishment of a universal public authority that could effectively outlaw war.[28] In fact, the encyclical's recognition of the right of self-defense was contingent on the absence of

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25 Pope John XXIII, *Pacem in Terris: Encyclical of Pope John XXIII on Establishing Universal Peace in Truth, Justice, Charity, and Liberty,* April 11, 1963, n.126-7, The Second Vatican Council Resource Guide, http://www.vatican.va/holy_father/john_xxiii/
encyclicals/documents/hf_j-xxiii_enc_11041963_pacem_
en.html (accessed April 6, 2008).
26 The Second Vatican Council, *Gaudium et Spes: Pastoral Constitution on the Church in the Modern World*, promulgated by Pope Paul VI, December 7, 1965, n. 79-80, The Second Vatican Council Resource Guide, http://www.vatican.va/archive/hist_councils/ii_vatican_council/
documents/vat-ii_cons_19651207_gaudium-et-spes_en.html (accessed April 6, 2008).
27 Ibid., n. 78-9.
28 Ibid., n. 81

a sufficiently powerful public authority.[29]

The Challenge of Peace, like previous documents, continued to maintain the right and duty of defense against unjust assault, but stated that modern just war theory had evolved as an effort to prevent war, and contained a strong presumption against the use of force.[30]   The letter reiterated that the use of military force was to be considered the option of last resort, and urged the development of non-violent means to prevent aggression.[31] And, like *Gaudium et Spes*, it affirmed the legitimacy of both pacifism and military service.[32] T*he Challenge of Peace* was also interesting in that it addressed the proliferation of weapons of mass destruction. In reference to this issue, it stated that nations must accept a limited view of the interests justifying military force, restricting its use to the legitimate defense of one's own or another nation when attacked.[33] Force, it said, may not be used to seize another country's possessions, or to dominate other states.[34] The document also repeated Pope John Paul II's caution that in alleging the potential threat of an enemy, a nation's intent is often to ensure a monopoly on destructive power in order to maintain a position of advantage.[35]

The Challenge of Peace also took a strong stand in support of the United Nations, echoing Paul VI's statement that the UN was the world's "last hope for peace" and expressing regret at the unwillingness of many to recognize the UN's potential as

29 Ibid., n. 79.
30 NCCB, *The Challenge of Peace*, n. 70, 72-3.
31 Ibid., n. 75, 77.
32 Ibid., n. 73.
33 Ibid., n. 214.
34 Ibid.
35 Ibid.

the basis of an international order.[36] The letter argued that just as the nation-state was formed to handle violence that the feudal system could no longer control, global systems of government must be developed to limit contemporary violence among the nation-states.[37] The UN, the letter contended, should be particularly considered in this effort.[38]

In tracing the evolution of Catholic just war theory since World War II, two main trends are evident. One is that the just cause criterion has been interpreted in an ever narrower sense. The other is that legitimate authority to declare war has been increasingly seen as residing with the United Nations, rather than with the sovereign state. A less important but still significant trend is that conscientious objection and pacifism have come to be viewed in a much more favorable light. It is evident from these developments that even though the Church continues to maintain a conception of just war, the bar of legitimacy has been set progressively higher. The divergence of the Catholic hierarchy's and neoconservative Catholics' interpretations of the just war theory as it relates to the Second Iraq War are the result of this evolution.

The Catholic Hierarchy's Argument Against War

In arguing against the Second Iraq War, the American bishops applied the current, official Catholic interpretation of just war theory, of which they themselves were the partial custodians, to the specific case in question. Their argument against the impending war invoked the principles of just cause, legitimate

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36 Ibid., 97.
37 Ibid., 242.
38 Ibid.

authority, and probability of success. Once it became clear that the war was all but inevitable, the Holy See also appealed to the principle of last resort.

The primary argument against the war was that the United States did not possess just cause, as defined by the *Catechism*. The United States Conference of Catholic Bishops (USCCB) reaffirmed that a nation may legitimately use armed force in self-defense.[39] Therefore, if it were shown that Iraq had been directly involved in orchestrating the attack of 11 September 2001, the United States would be justified in defending itself through military means.[40] However, in his 2002 letter to President Bush, USCCB President Bishop Wilton D. Gregory maintained that no clear and adequate evidence of such involvement had been produced.[41]

The USCCB also recognized that, in certain exceptional cases, it is permissible to take preemptive military action to neutralize a grave and imminent threat. [42] But although Bishop Gregory, in his aforementioned letter, acknowledged that Iraq's

39 Gerald F. Powers, *An Ethical Analysis of War Against Iraq*, December 2002, Office of International Justice and Peace, http://www.usccb.org/sdwp/peace/powers.shtml (accessed February 9, 2008).

40 United States Conference of Catholic Bishops, *Statement on Iraq*, November 13, 2002, Department of Justice, Peace, and Human Development, http://www.usccb.org/bishops/iraq.shtml (accessed February 9, 2008).

41 Bishop Wilton D. Gregory, *Letter to President Bush on Iraq*, September 3, 2002, Office of Social Development and World Peace, http://www.usccb.org/sdwp/international/bush902.shtml (accessed February 9, 2008).

42 Powers, *An Ethical Analysis*.

continued violation of international directives and presumed pursuit of weapons of mass destruction may have constituted a grave danger, he did not feel that there was strong evidence showing that Iraq posed an imminent threat.[43] Thus, US action against Iraq would not constitute preemptive war, which is justified in certain cases. It would instead be considered preventative war, which is never permissible by current Catholic just war doctrine.[44] According to the bishops' statement of November 2002, President Bush's proposal of preventative war was especially problematic because it did not seek to change a regime's aggressive behavior, but to overthrow the regime itself.[45] Although couched in terms of just cause, this distinction between changing a regime's behavior and ending its existence was based on the concepts of right intent and limited war (proportionality *ad bellum*). Waging war with the intention to overthrow a regime violates both precepts.[46]

Although not addressed in official bishops' statements, the ethical analysis of the case for war presented by Gerald Powers, director of the USCCB's Office of International Peace and Justice, considered two additional just cause arguments. First, the USCCB and the Holy See recognized the legitimacy of humanitarian intervention in certain cases.[47] However, these cases are limited to such grievous situations as genocide or mass starvation. As the Iraqi regime was not currently or recently engaged in such actions, the humanitarian argument could not justify military intervention. Second, as Iraq was bound by the terms

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43 Gregory, *Letter to President Bush*.

44 Powers, *An Ethical Analysis*.

45 USCCB, *Statement on Iraq*.

46 Powers, *An Ethical Analysis*.

47 Ibid.

of the cease-fire of 1991, a material breach of those conditions could in some cases be considered a reopening of hostilities.[48] But, Powers argued, such a breach would have to consist of genuine hostile action, such as the use or imminent use of weapons of mass destruction, or a renewed attack on Kuwait. The lesser violations that Iraq was believed to have actually committed, although problematic, did not constitute a renewal of warfare, and therefore could not justify military intervention by the United States.

The second main argument of the USCCB against a war with Iraq revolved around the question of what constituted legitimate authority. In Bishop Gregory's letter to President Bush, he stated that a decision to go to war must comply with the US Constitution, be based on a broad consensus within the nation, and have international sanction, preferably that of the UN Security Council.[49] Powers, in his analysis, disputed the right of the United States to act unilaterally.[50] He cited Vatican emphasis on the importance of upholding the international order, currently embodied within the framework of the United Nations, which provides checks and balances in the use of military force. Unilateral action by the United States would undermine that order by promoting US exceptionalism. He further argued that US claims of acting in order to uphold UN resolutions would become ridiculous if the US ignored the UN's decisions on how to enforce its regulations and that the US would need the support of the Arab states and the international community to bring lasting stability to the Middle East. For these reasons, unilateral military action by the United States, without UN approval, would

48 Ibid.
49 Gregory, *Letter to President Bush*.
50 Powers, *An Ethical Analysis*.

violate the principle of legitimate authority.[51]

The bishops also raised the issue of probable success. Recognizing that such predictions were outside the area of their expertise, they elected to make no categorical statements.[52] However, they did question whether US intervention would promote regional stability and reduce the threat of terrorist attacks, or merely lead to wider conflict and instability.[53] They also wondered whether the short- and long-term benefit to Iraqi civilians would outweigh the suffering that they would endure during a war and in its aftermath.[54] Although the bishops made this argument based on the probable success criterion, it also drew on the principle of proportionality.

In the last days leading up to the war, the Vatican based its argument against military action on the principle of last resort. In an address to the UN Security Council in February 2003, Archbishop Celestino Migliore, the permanent observer of the Holy See to the United Nations, reminded the assembly that war must not be viewed as one option among many, but as the option of last resort.[55] The Holy See believed that diplomatic solutions had not been exhausted, and that negotiations, inspections, and sanctions could still produce the desired results.[56] Cardinal Pio

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51 Ibid.

52 Ibid.

53 Gregory, *Letter to President Bush.*

54 Ibid.

55 Archbishop Celestino Migliore, address to UN Security Council, February 20, 2003, quoted in "Process of Inspections…Still Remains an Effective Path," *ZENIT*, February 20, 2003, http://zenit.org/article-6595?l=english (accessed April 5, 2008).

56 Ibid.

Laghi, papal envoy to President Bush, expressed similar senti-
ments in a March meeting with the President. Laghi stated that
because peaceful avenues to resolve the conflict still existed, the
Vatican did not feel that military action was justified.[57] For these
reasons, Bishop Gregory explicitly stated in his February 2003
statement that the pending war with Iraq did not meet the criteria
for just war.[58]

The Neoconservative Argument for War

In arguing the case for the necessity of war on Iraq, the
neoconservative Catholics under discussion ostensibly drew
upon the current, official principles of just war expounded by the
Church hierarchy and focused on the same issues as the bishops.
However, the conclusions of the neoconservatives contrasted
starkly with those of the Catholic hierarchy. In some cases, this
was the result of differing perceptions of the situational facts,
which produced differing applications of the same principles.
In other cases, the neoconservatives implicitly utilized an older
interpretation of Catholic just war theory, despite claiming to
remain true to the current teaching of their Church.

The most important point of contention was just cause.
Weigel argued that US military action was justified in order to
defend innocent life against ongoing belligerence.[59] He main-

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57 Cardinal Pio Laghi, statement following meeting with
President Bush, March 3, 2003, quoted in "Holy See Maintains
That There Are Still Peaceful Avenues," *ZENIT,* March 6, 2003,
http://www.zenit.org/article-6721?l=english (accessed April 5,
2008).

58 Gregory, *Letter to President Bush*.

59 George Weigel, "The Just War Case for the War," *America,*

tained that the Iraqi regime's flouting of international law, its previous offensive wars against its neighbors, and the brutal character of its rule were all aggressive acts. He also believed that the government's previous use and continued possession of weapons of mass destruction (WMD), its determination to extend its WMD capabilities, and its links to terrorist organizations were inherently hostile.[60] Novak agreed, citing Iraqi President Saddam Hussein's violation of the terms of the 1991 cease-fire as a continuation of the hostilities of the First Gulf War.[61] Specifically, Novak asserted that Hussein had failed to disarm and prove that he had done so. Neuhaus further argued that the volatile situation posed both a grave and imminent threat.[62] He believed that Hussein possessed, in his presumed WMD stockpile, the means to initiate large-scale attacks on civilians. He also asserted that the terrorist organizations to which the dictator may have had links possessed the will as well as the means to take such actions. In this light, Weigel considered the regime's very existence to constitute aggression.[63] Neuhaus also endorsed this position, and stated that the belligerent character of the Iraqi re-

March 31, 2003, Ethics and Public Policy Center, http://www. eppc.org/news/newsID.1577/news_detail.asp (accessed April 5, 2008).

60 Ibid.

61 Michael Novak, "'Asymmetrical Warfare' and Just War," *National Review Online*, February 10, 2003, http://www.na-tionalreview.com/novak/novak021003.asp (accessed February 10, 2008).

62 Fr. Richard Neuhaus, interview with ZENIT, March 10, 2003, http://catholiceducation.org/articles/religion/re0627.html (accessed February 10, 2008).

63 Weigel, "The Just War Case."

gime imposed a moral obligation on the leadership of the United States to disarm it, by force if necessary, in order to protect innocent lives.[64]

In their discussion of just cause, these writers acknowledged that the current, official Catholic interpretation holds an ongoing attack to be the only justification for war. However, both Weigel and Novak pointed out that classic just war theory also acknowledged the justness of war waged to recover something wrongly taken, or to stop evil.[65] They also maintained that classic theory started not with a presumption against violence, but with the obligation of public authority to defend its citizens and maintain justice.[66] The Augustinian concept of *tranquillitas ordinis* was also crucial to the neoconservative conception of just cause.[67] Novak saw both terrorism and the Iraqi regime's violation of international law to be assaults on the just order.[68] Therefore, both Novak and Weigel agreed, the United States was morally obligated to take whatever measures were necessary to disarm Hussein and maintain the minimum conditions of the *tranquillitas ordinis*. [69] In making this argument, they appealed not to current Catholic just war theory, but to the much older classic conception.

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64 Neuhaus, interview.

65 Weigel, "The Just War Case"; Novak, "'Asymmetrical Warfare.'"

66 Ibid.

67 George Weigel, "Moral Clarity in a Time of War," *First Things: The Journal of Religion, Culture, and Public Life*, January 2003, http://www.firstthings.com/article.php3?id_article=426 (accessed February 10, 2008); Neuhaus, interview.

68 Novak, "'Asymmetrical Warfare.'"

69 Ibid.; Weigel, "Moral Clarity" and "The Just War Case."

Regarding the legitimate authority criterion, neoconservative Catholics argued that the UN had authorized military action with Security Council Resolution 1441.[70] The resolution, passed on November 8, 2002, offered Iraq a final chance to disarm and threatened it with "grave consequences" if it failed to do so. The neoconservatives asserted that the US was morally obligated to take action upholding the resolution in order to maintain the credibility of the international order.[71] Their argument from the criterion of legitimate authority invoked current, official Catholic just war doctrine, although they applied the criterion differently than the Catholic hierarchy. On a more fundamental level, however, neoconservatives disputed the legitimate authority of the UN Security Council. Weigel argued that legitimate authority rests with nation-states, and that the UN charter recognizes the right to unilateral national self-defense against aggression.[72] Moreover, he and Neuhaus felt that the UN lacked moral authority, given the presence on the Security Council of states such as China, Russia, and France.[73] Weigel accused those nations of conducting their foreign policies on completely amoral grounds and thus lacking moral credibility.[74] By reasserting the legitimate authority of nation-states to wage war, the neoconservative Catholics again implicitly appealed to the older, classic interpretation of Catholic just war theory rather than the current, official one.

Neoconservative Catholics also argued that the criterion of legitimate authority places the responsibility of waging war on

70 Neuhaus, interview; Weigel, "The Just War Case."
71 Ibid.
72 Weigel, "The Just War Case."
73 Ibid.; Neuhaus, interview.
74 Weigel, "The Just War Case."

the public authorities charged with governance.[75] If those authorities believed, based on their superior access to information, that Iraq posed a grave and imminent threat, they were morally obligated to take action.[76] Weigel further maintained that the just war tradition is a "theory of statecraft" that can and should be employed by political leaders.[77] He did not feel that it should be the exclusive property of religious figures. By making this argument, he was asserting the moral authority of the state against that of the Church.

The proportionality criterion was viewed as being somewhat more subjective. Neuhaus argued that the consequences of war could not be fully foreseen, but that public authorities had studied the case in-depth and believed that there was at least a reasonable prospect of success.[78] Weigel concurred, maintaining that whatever the outcome of the war, the gravest danger to the world order lay in failing to disarm the Iraqi regime.[79]

Weigel also acknowledged that the principle of last resort is heavily subjective and therefore allows for differences among reasonable men. He himself believed that the United States and its allies had reached the point of last resort by early 2003, for three reasons. First, containment had not worked; despite the pressure of sanctions, the old Iraqi regime remained in power and was still believed to have weapons of mass destruction. Second, the post-Resolution 1441 inspections program was incapable of success, given the continued resistance of the Iraqi regime. Third, once the failure of containment allowed Hussein

75 Ibid.; Novak, "'Asymmetrical Warfare.'"
76 Novak, "'Asymmetrical Warfare'"; Neuhaus, interview.
77 Weigel, "Moral Clarity" and "The Just War Case."
78 Neuhaus, interview.
79 Weigel, "The Just War Case."

to achieve a nuclear capability, deterrence would no longer be an option. In early 2003, Weigel argued that appeasement and war were the only options remaining.[80]

Conflicting Interpretations of Just War Theory

In his 1985 book *Tranqullitas Ordinis*, George Weigel called for the reclamation of the Catholic just war heritage. [81] He believed the Church hierarchy, especially in America, had abandoned that tradition in the years since World War II. In their arguments for military intervention in Iraq, neoconservative lay Catholics appealed to the classic and preconciliar understanding of just war that Weigel endorsed.

The dispute over the Second Iraq War hinged on five *jus ad bellum* criteria. Arguments over three of those criteria stemmed from a subjective interpretation of the facts of the case. Assessments of proportionality and probability of success, which are linked together, depend on difficult predictions of the consequences of military intervention. The principle of last resort, too, is inherently subjective, as it depends on a judgment as to whether further non-military means have any chance of affecting a peaceful resolution. Disagreements over the remaining two criteria did not however arise from differing interpretations of facts. They resulted instead from a clash between two conceptions of just war theory. One was the current, official version expounded by the Catholic hierarchy, while the other was an older interpretation advocated by the neoconservative Catholics who supported the war. The two criteria at issue were just cause

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80 Ibid.
81 George Weigel, *Tranquillitas Ordinis* (New York: Oxford University Press, 1987), 21.

and legitimate authority.

The central question of the just cause argument was what, exactly, constituted aggression. The Church hierarchy referenced its own current, official definition of the term, which was quite narrow and included only overt acts gravely and directly injurious to other nations or individuals, such as a military invasion or direct involvement in a terrorist attack. Neoconservative Catholics, however, adopted a much broader view of aggression, arguing that the mere existence of the Iraqi regime, given its past behavior, its present uncooperativeness, and the potential threat it posed, constituted a pattern of ongoing belligerence. This view is unarguably out of step with the official Church's current understanding of just cause. The argument would have seemed much more plausible, however, in the days of Pius XII. At the time, aggression had been only vaguely defined, and the Pope viewed war more in terms of injustice than belligerence.

The neoconservatives' argument for military intervention would fit even better under the classic conception of just cause, which allowed for war to stop evil and restore the peace of order. Their description of the regime's brutality, past crimes, and violation of international laws seems intended to show that the regime should be considered both evil and disruptive of the *tranquillitas ordinis*. Recurring discussion of the classic just cause criterion in neoconservative Catholic writings shows that the authors were intellectually more at home in the older tradition, and were appealing to it rather than to current doctrine. However, because they professedly accepted the current Church teaching, they engaged in verbal gymnastics in order to force their characterization of the Iraqi regime into a narrow definition of aggression.

The other criterion debated from differing understandings of just war theory was that of legitimate authority. The Church hierarchy reiterated its current, official interpretation, which holds legitimate authority to reside largely, although perhaps not completely, with the United Nations. The current position is consistent with the overall evolution of Church teaching, which has long seen the development of an international authority capable of regulating war as the desired goal. Earlier papal teaching recognized that no such authority yet existed, but later teachings have placed increasing emphasis on the UN as the body most capable of filling that role. Although it stopped short of declaring the UN to be the sole legitimate authority in matters of war, the Church hierarchy clearly felt that obtaining UN sanction for military intervention in Iraq was extremely important.

Neoconservative Catholics recognized the current Church position to some extent, and agreed that UN sanction for the war was desirable. This is shown by their argument that military intervention was justified by Resolution 1441. Fundamentally, however, they concluded that legitimate authority rests with the nation-state. The UN, they believed, lacks moral authority, and is not capable of enforcing its own resolutions. Thus, the world still lacks a competent international authority. This point is in keeping with Pius XII's assessment, but clearly not with current Church teaching, which places a much higher value on the UN. By appealing to national sovereignty and the authority of the nation-state, neoconservative Catholics were again arguing from a classic, or at least preconciliar, interpretation of the just war theory.

Conclusion

The dispute between the Church hierarchy and certain neo-conservative lay Catholic thinkers over the Second Iraq War stemmed partially from differing applications of current, official Catholic teaching to the facts of the case, but primarily from differing interpretations of just war doctrine. The Church hierarchy based its arguments on the current Church teaching as it has evolved since World War II, the teaching that it itself is responsible for developing, maintaining, and expounding. The neoconservatives framed their arguments in the same terms, but drew on a more traditional understanding of what constituted just war.

The key points of debate were two *jus ad bellum* criteria, just cause and legitimate authority. The US bishops and the Vatican argued from their own current, official Church teaching, which holds the only legitimate cause for war to be defense against overt aggression, strictly defined. It also holds the most, but not only, legitimate authority to be the UN. Neoconservative Catholics, however, argued from a broader understanding of aggression and just cause that is only coherent when viewed from the classic conception of just war. In addition, they held legitimate authority to reside in the nation-state, which is also a classic interpretation.

Both sides of the debate believed themselves to be expounding the true just war theory. The Church hierarchy viewed its modern teaching on just war to be the result of an evolution of understanding, necessitated by the perils of modern warfare. The neoconservative Catholics under discussion, however, viewed these changes as the abandonment of a rich heritage more than capable of meeting the challenges of the present day, and sought

to reclaim that tradition by returning to a classic version of Catholic just war theory. Thus, the debate over the Iraq War exposed a division in Catholic thought regarding just war doctrine that will persist for years to come, and shape future debates on war and peace.

Work Cited and Consulted

Catechism of the Catholic Church. 2nd ed. (Washington, D.C.: US Catholic Conference, Inc. 1997).

Gregory, Bishop Wilton D. Letter to President Bush on Iraq. September 3, 2002. Office of Social Development and World Peace. http://www.usccb.org/sdwp/international/bush902.shtml (accessed February 9, 2008).

Hehir, J. Bryan. "The Just War Ethic and Catholic Theology: Dynamics of Change and Continuity." In In the Name of Peace: Collective Statements of the United States Catholic Bishops on War and Peace, 1919-1980. National Conference of Catholic Bishops (Washington, D.C.: United States Catholic Conference, 1983).

John XXIII, Pope. Pacem in Terris: Encyclical of Pope John XXIII on Establishing Universal Peace in Truth, Justice,

Charity, and Liberty. April 11, 1963. The Second Vatican Council

Resource Guide. http://www.vatican.va/holy_father/john_xxiii/ encyclicals/documents/hf_j-xxiii_enc_11041963_pacem_ en.html (accessed April 6, 2008).

Laghi, Cardinal Pio. Statement following meeting with President Bush. March 3, 2003. Quoted in "Holy See Maintains That There Are Still Peaceful Avenues." ZENIT. March 6, 2003. http://www.zenit.org/article-6721?l=english (accessed April 5, 2008).

Migliore, Archbishop Celestino. Address to UN Security Council. February 20, 2003.   Quoted in "Process of Inspections… Still Remains an Effective Path." ZENIT. February 20, 2003. http://zenit.org/article-6595?l=english (accessed April 5, 2008).

Murray, J. C. "Remarks on the Moral Problem of War." Theological Studies 20 (1959): 40-61.

National Conference of Catholic Bishops. The Challenge of Peace: God's Promise and Our Response. May 3, 1983 (Washington, D.C.: US Catholic Conference). n. 85-110. http://www.usccb.org/sdwp/international/TheChallengeof-Peace.pdf (accessed March 12, 2008).

Neuhaus, Fr. Richard. Interview with ZENIT. March 10, 2003. http://catholiceducation.org/articles/religion/re0627.html (ac-

cessed February 10, 2008).

Novak, Michael. "'Asymmetrical Warfare' and Just War." National Review Online.   February 10, 2003. http://www.nationalreview.com/novak/novak021003.asp (accessed February 10, 2008).

Powers, Gerald F. An Ethical Analysis of War Against Iraq. December 2002. Office of International Justice and Peace. http://www.usccb.org/sdwp/peace/powers.shtml (accessed February 9, 2008).

The Second Vatican Council. Gaudium et Spes: Pastoral Constitution on the Church in the Modern World. Promulgated by Pope Paul VI. December 7, 1965. The Second Vatican Council Resource Guide, http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_cons_19651207_gaudium-et-spes_en.html (accessed April 6, 2008).

United States Conference of Catholic Bishops. Statement on Iraq. November 13, 2002.   Department of Justice, Peace, and Human Development. http://www.usccb.org/bishops/iraq.shtml (accessed February 9, 2008).

Weigel, George. "The Just War Case for the War." America. March 31, 2003. Ethics and Public Policy Center. http://www.eppc.org/news/newsID.1577/news_detail.asp (accessed April 5, 2008).

---. "Moral Clarity in a Time of War." First Things: The Journal

of Religion, Culture, and Public Life. January 2003. http://www.firstthings.com/article.php3?id_article=426   (accessed February 10, 2008).

---. Tranquillitas Ordinis (New York: Oxford University Press, 1987).

The Original Fight for National Health Insurance and How the AMA Knocked the Idea Out of the Social Security Act of 1935
Roberto Brandao

*"I have never seen an issue that is as compicated as this.
I can see why for fifty years people have tiptoed toward
this problem and turned around and run away."*
First Lady Hilary Rodham Clinton, in 1993, speaking to the
American Medical Association

The Social Security Act of 1935 was a controversial and groundbreaking piece of legislation enacted during President Franklin D. Roosevelt's inaugural term as part of the second phase of his New Deal. Early in his first term, FDR had introduced the New Deal, which established programs like the Works Progress Administration (WPA) and Civil Works Administration (CWA). These programs provided Americans with employment opportunities through the creation of federally-sponsored infrastructural work projects. Later in Roosevelt's first term, the Social Security Act of 1935 was signed into law to build upon these earlier New Deal initiatives and to relieve an anxious nation in the depths of the Great Depression. It implemented unemploy-

ment insurance, old-age benefits, and created new banking prac-
tices to protect the public's money. Though it created significant
and lasting provisions, compulsory health insurance or National
Health Insurance (NHI) was excluded.

Many in the medical and political fields, such as John R.
Commons along with the Milbank Memorial Fund members,
had witnessed the implementation of compulsory health insur-
ance in Europe and felt its application could be beneficial in
protecting low income earners in the United States. Awareness
of European national health insurance programs, and America's
desperate socio-economic climate, led FDR to create a special
committee, the Committee for Economic Security (CES), to in-
vestigate thoroughly the possibility of a NHI program. In the
end, however, the CES did not recommend to the President the
addition of the NHI program to the Social Security Act in 1935
because of opposition from the American Medical Association
(AMA). Through their Journal of the America Medical Associa-
tion (JAMA), the AMA's organizing body published articles as
well as doctors' testimonials that explicitly challenged the merit
and workings of foreign national healthcare systems that might
have served as models for the one in the United States. This
opposition and negative publicity was coupled with an appeal
to the American individualistic values and contrasted with the
progressive movement's enthusiasm for NHI. Given the pro-
gressive movements supposed, in popular opinion, socialist as-
sociations, these sorts of tactics and negative publicity proved
to influence the CES's final recommendations, and led FDR to
exclude National Health Care program from the Social Security
Act of 1935.

The First Years of Depression

The Great Depression in the United States started on October 24, 1929. This followed an economically prosperous period in the 1920s, during which America experienced increased stock prices, an expanded car market, and new banking practices. The pursuit of large profits by banks, coupled with irresponsible speculative practices and the extension of credit lines beyond peoples' means to repay them caused the stock market to crash. As noted economist John Kenneth Galbraith observed, "like all booms, it had to come to an end." [1]

In the years following 1929, the situation worsened and President Herbert Hoover did little to deal with the growing unemployment problem, which eventually peaked in 1933 at 25%.[2] As a result of Hoover's inability to deal with the economic crisis, Franklin Delano Roosevelt won the 1932 election and, in his first inaugural address to the country, set the tone for his presidency. FDR proclaimed to Americans, that he would "not evade the clear course of duty" that confronted him and called for quick action on part of Congress to institute relief measures.[3] FDR initiated the passage of several New Deal programs in order to bring immediate relief to those most ailing in the nation and to assure Americans that their government would deal effectively with the depression and the problems it had caused. [4]

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1 Eric Rauchway, *The Great Depression & The New Deal: A Very Short Introduction* (Oxford: Oxford University Press, 2008): 14, 24.

2 U.S Bureau of the Census, *Historical Statistics of the United States,* Colonial Times to 1970, *Bicentennial Edition,* 2 vols. (Washington D.C.: Government Printing Office, 1975): 1004, 1104, 1114, 126.

3 Robert McElvaine, *The Depression and New Deal: A History in Documents* (New York: Oxford University Press, 2000): 45

4 Eric Rauchway, *The Great Depression & The New Deal,* 58-59, 64-65

The Beginnings of the NHI Concept

Roosevelt's most enduring reform, however, would not be in the First New Deal programs, but rather in the Social Security Act of 1935 of the Second New Deal. The Social Security Act would, according to Arthur Altmeyer, the second assistant Secretary of Labor, bring about change "gradually… [in the] two most dreaded threats to Americans, unemployment and old age."[5] This Act would provide support in the form of "grants in aid" by the Federal Government to help states finance "public health and welfare activities."[6] Social Security insurance would not simply create specific employment opportunities as had other New Deal. Instead it would be a far more encompassing welfare program to stimulate spending and protect those in need from deep poverty. As early as May 1934, the *New York Times* began to report that FDR's plans to implement national old age pensions, unemployment aid, and nation wide sickness insurance against sickness, signaled great promise.[7] In November 1934, Roosevelt added two advisory counsels to assist his newly created Committee on Economic Security which was researching "social insurance" matters and demonstrated to the public and Congress the importance he attached to this issue.

The Early Fight for NHI

The fight for compulsory health insurance on a nation-

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5   Frank R. Kent, "The New Social Security Act." *Vital Speeches of the Day.* (1935). Vol. 2 Issue 1,7

6   Ibid., 8

7   Editor 1. "PRESIDENT TO ASK CONGRESS FOR FAR-REACHING REFORMS, BOTH SOCIAL AND ECONOMIC: MESSAGE DUE IN 10 DAYS.*" New York Times.* New York, N.Y. (May 18, 1934): pg. 1

al level had not begun during FDR's presidency. In 1893, the economist John Brook began research on social insurance in the U.S. after an investigation of the German system led him to view the concept favorably.[8] Other proponents of nationalized health insurance program were comforted by the passage of the British National Insurance Act of 1911, undoubtedly believing that if another industrialized western nation could supply expansive healthcare coverage, so too could the U.S.[9] Around this same time, the American Association for Labor Legislation (AALL) gained some attention when it called for a "social insurance policy" that was to include, among other things, compulsory health insurance.[10] The key members of the AALL who called for such reform were Dr. Edgar Sydenstricker and Dr. I.S Falk, both of whom later became important CES committee members.[11] Also included in the AALL was famous economics professor John R. Commons who, in 1912, articulated what came to be called the the "Wisconsin Idea" that "society had moral obligations to promote [the] well-being of all its citizens."[12] The Milbank Memorial Fund was a also a strong supporter of NHI and, with Sydenstricker as the head researcher, had "urged" the federal government to provide social and health reform for the troubled nation.[13] Many proponents on NHI, including Commons, felt

8   Philip J. Funigiello, *Chronic Politics: Health care security from FDR to George W. Bush* [Lawrence, Kan.]: University Press of Kansas, 2005): 7
9   Ibid., 8
10 Jaap Kooijman, *--and the pursuit of national health: the incremental strategy toward National Health insurance in the United States of America*. (Amsterdam: Rodopi, 1999): 25
11 Funigiello, *Chronic Politics*, 8
12 Kooijman, *--and the pursuit of National Health*, 28
13 Ibid. pg. 39 and "HEALTH INSURANCE URGED BY MILBANK:" *New York Times* (Mar 17, 1933). p.7 (1 pp.)

that health services should be more than a privilege and fought hard for NHI. But as the advocates for the NHI began to organize their efforts, their opposition in the form of the AMA, was preparing to stop the spread of the NHI idea as if it was a contagious disease.

The AMA

The AMA was, and is, a group of American physicians that seeks to advance and promote medical education through research and publication while protecting the intergrity of American medicine as a whole. By 1920 60% of US doctors were members of the AMA, and it had become what Jaap Kooijman would call the "mouthpiece" of organized American medicine.[14] While the group had previously not been active in politics, the AMA became more interested, and involved, in politics as the FDR administration continued to work against what they believed was best for American medicine. As James Burrow notes in his book, *AMA: Voice of American Medicine,* the AMA moved from political obscurity to a powerful organization with increasing authority in the medical profession and politics in the early part of the 20th century.[15] An increasingly dominant section of the AMA started to vehemently oppose the NHI concept out of concern that a "government program would reorganize medicine and make the hospital the center of the profession."[16] These members clearly wanted to branch out more into private practice by specializing in various fields and did not care to have the government regulate how much money they could make for

14 Kooijman. *--and the pursuit of national Health*, 30

15 James G. Burrow, *AMA: Voice of American Medicine.* (Baltimore: The Johns Hopkins Press. 1963) 394

16 Kooijman, . *--and the pursuit of national health*, 32

their services.

AMA opposition to compulsory health insurance, however, had begun long before FDR's first term and only increased as the Social Security Act neared. In a *JAMA* article from 1917, Dr. Eden Delphey, a renowned physician, criticized the idea of compulsory healthcare. Using foreign systems as the basis of his argument, Delphi argued that a compulsory system would limit a patient's choice in choosing a doctor and t would have little beneficial effect on the economy.[17] Delphey's remarks were quite representative of the AMA position and the fact that it was printed in their medical journal indicates strong support from the editor and the AMA board members. This type of negative reporting was resorted to in the 1930s as well and negative comparisons to the British, German and Canadian systems would form the basis of many critiques of the Social Security Act of 1935, and would be employed by the AMA in its specific fight against NHI.

Attitudes and Ideals

The United States has always possessed a different attitude towards social welfare compared to its European counterparts because,as Phillip Funigiello has noted, America is a nation steeped in the image of the "self-made man…and a decentralized governmental system."[18] This image and attitude made it diffucult to follow the European and Canadian models of social insurance including health coverage. In the case of Germany, because of its role as an American enemy during WWI, it would forever be tainted in the eyes of Americans, many of whom already disliked social welfare and the idea of reliance on gov-

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17   Burrow, *AMA: Voice of American Medicine*, 146
18   Funigiello. *Chronic Politics*, 6

ernment. Playing to these fears, the *JAMA* published an article about nationalized health insurance and the practice of medicine, often citing unfavorable aspects of the German system and pointing out it links to the Nazis[19] And when the *JAMA* writers could not find fault with the national character or politics of a country with a national health policy, they pointed to the "highly experimental character" of the "sickness insurance systems," saying that the systems and policies are "changing with great rapidity."[20] This reasoning echoed a view expressed by noted physician John C. Gall in a December 1934 article in the *Times*. Referring to the British National Insurance Act, he observed that it was "still recognized as an experiment after 25 years."[21] The British system, the AMA concluded, would be disaster if it came stateside.[22] British newspapers including the *Survey Graphic*, swiftly rebuked the "attack" on the British system," as unfounded and simply not true.[23] Nonetheless the attacks continued on the foreign countries with nationalized healthcare and in March 1934 the *JAMA* published a report entitled "Canadian and British Experiences" from the viewpoint of a Canadian physician. Dr. Fleming, the Canadian physician, wrote that doctors and provincial governments were bearing all the costs of the so called "national" health plan. This played right into the worst fears of the AMA.[24]

19   "The Insurance Principle in the Practice of Medicine." *Journal of American Medical Association* vol. 102, no.19 (1934):1612

20 Ibid., 1612

21 Anonymous 3. "FORCED AID 'PERIL' TO JOB INSURANCE." *New York Times*. New York, N.Y.: Dec 30, 1934. pg. 11, 1 pgs

22 Burrow, *AMA: Voice of American Medicine*, 198

23   James Rorty, *American Medicine Mobilizes*. (New York: Vail-Ballou Press, 1939) 203 and Burrow, *AMA: Voice of American* Medicine, 199

24 "The Canadian and British Experiences." *Journal of American Medical*

While the AMA published damaging reports against foreign socialized health systems, its relationship with the FDR administration was cordial. In fact the AMA was even involved in some New Deal projects. The AMA worked with officials from the Federal Emergency Relief Act (FERA), CWA, and the WPA to make adequate health services available to those who were seriously "deprived of medical care" because of the "exhaustion of their local resources." [25] Writing in the *JAMA* about the FERA and CWA experience with the government, the AMA wrote that the organization had been working with the federal government to offer medical service in emergency cases, while maintaining the values of the Association. However, at the end of the article the AMA remained steadfast in its opposition to the increasingly popular, in the public mind, idea of NHI. The AMA emphasized that this type of legislation should not lead to a "trend toward complete control of medical practice by the state."[26]

The CES

Yet on June 8, 1934, a month after the nation had been informed of the administrations' progress towards a NHI in a *New York Times* article, President Roosevelt delivered what would be considered both a polemical and powerful speech to the nation, leading to an unraveling of the relationship between the AMA and the FDR administration. In his speech, FDR outlined a plan for social insurance and shared his desire to "promote the general welfare" although the state should "meet a large portion of the

Association vol. 102, no.9 (1934): 697

25   Burrow, *AMA: Voice of American Medicine*, 188, 190

26   "Medical and Hospital Service for Ill and Injured Employees of Federal Civil Works Administration." *Journal of American Medical Association.* vol. 102, no.2 (1934): 133

cost of management."[27] Later in his address, Roosevelt told the country that this policy had been tried in many other "Nations of the civilized world," and could work in America.[28] To citizens of the country, the speech reaffirmed FDR's original promises of relief for the worn down nation, but it also struck to the heart of the AMA's fear of a government run program with minimal fiscal responsibility and little input from them. The speech also demonstrated that FDR had set goals for his investigation into the issue of NHI and social insurance as a whole. Shortly after this speech in 1934, the Committee on Economic Security (CES) was created.

Established under the National Industrial Recovery Act, the CES was created by FDR approximately three weeks after his key address in June of 1934 and consisted of highly regarded social economists.[29] The CES had some familiar faces, including Dr. Edgar Sydenstricker, a proponent of NHI and famed economist, and some newcomers like its Executive Director Edwin Witte, Arthur Altemeyer (who had been working closely with John Commons of the "Wisconsin Idea"), and, Dr. I.S Falk.[30] Witte wrote in his *The Development of Social Security* that goal of the committee was to study social insurance utilizing various resources, begin looking into a NHI program, and have the results "presented to the next Congress."[31] In November of 1934, Roosevelt added two advisory counsels to assist his newly

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27   Franklin D. Roosevelt. *The Public Papers and Address of Franklin D. Roosevelt*. Vol. 3, The Advance of Recovery and Reform 1934. (New York: Random House, 1938): 291

28   Ibid., 291

29   Edwin E. Witte, *The Development of the Social Security Act*.(Madison: The University of Wisconsin Press. 1962): 8

30   Ibid., 22, 187

31   Ibid., 18. 21

started Committee on Economic Security and demonstrated to the public and Congress the importance he gave to this issue.[32] These advisory committees developed much of the necessary data that the CES would rely upon when it came to make its final recommendation.

The AMA Response

The CES's existence disturbed the AMA from the onset and knowing the views of those in charge, like Dr. Sydenstricker, towards NHI, the AMA found the entire administration to be "out of line with [its] interest[s]."[33] The *JAMA* published a commentary in early 1935 criticizing Roosevelt's plans for economic security, using the article as an opportunity to speak as the voice of professional medicine in the U.S. The AMA "feared hasty action" on the part of the government and hoped that compulsory health insurance would "not sap the life blood of the medical profession."[34] Dr. Morris Fishbein, the editor of the *JAMA,* publicly condemned the work of FDR in a *New York Times* article when he referred scornfully to Roosevelt's various committees and reiterated that the AMA still "strongly opposed" the NHI program.[35] In the same article Dr. Fishbein asked that the medical profession be allowed to decide on matters pertaining to American medicine and not leave such judgments up to the

32   Anonymous 2. "ROOSEVELT NAMES SOCIAL STUDY AIDES: Council on Economic Security Includes Leaders in Industry, Labor and Welfare." *New York Times*. New York, N.Y.: Nov 11, 1934. pg. 1, 2 pgs

33   Burrow, *AMA: Voice of American Medicine*, 193

34   "The President's Plans for Economic Security." *Journal of American Medical Association* vol. 104, no.2 (1935): 123

35   Anonymous 4. "DOCTORS IN DEBATE ON SOCIAL MEDICINE: Fishbein Hissed for Attack on Roosevelt at Meeting of Harlem Association:" *New York Times* (Jan 3, 1935): 25

federal government.[36]

Recognizing the opposition from the AMA, the CES had created a Medical Advisory Committee (MAC) to gather input from physicians in the field and mainly to "stop controversy within the medical profession over health insurance."[37] The leaders of the MAC, Dr. Sydentricker along with I.S Falk, in an attempt to ease the minds of NHI opponents, set up a MAC meeting to negotiate and go over the many of the concerns and fears raised about the program. The meeting did not turn out well as Dr. Harry A. Luce, formerly a supporter of the NHI idea, switched his position "after much pressure from the AMA."[38] Luce's "flip flop" illustrated that the AMA was determined to be the only voice for its membership. Still, despite Dr. Luce's switch, the relationship between the AMA and MAC remained on relatively good footing until Sydenstricker and Falk released a list of the "eleven general principles" of health insurance. [39] These principles described a "federal-state program of compul-sory health insurance which would be optional" for states to pur-sue.[40] Dr. Sydenstricker warned that if these principles were not put forth that the health insurance issue would become a "rather nebulous possibility" later on.[41] Sydenstricker's views suggested to several members of the AMA that the CES' final report would be a recommendation for NHI and this created an irreparable break in the relationship.

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36 Ibid., 25

37 Witte, *The Development of the Social Security Act*, 180

38   Jaap Kooijman. "Licked by Group of Doctors: The Exclusion of a National Health Insurance Program from the Social Security Act of 1935." *European Contributions to American Studies*. Vol. 37 No. 2 (1996): 135

39 Witte, *The Development of the Social Security Act,* 182

40 Koojiman, 63.

41   Ibid., 63.

Taken aback by this news, the AMA in February of 1935, held a meeting of its House of Delegates to discuss its the NHI program and the CES, as well as some key pieces of legislation that some believed might damage the ideals of American medicine and the AMA.[42] The meeting's purpose was to "unify the medical profession in opposition to compulsory health insurance."[43] In response to the "principles" outlined by the CES, the AMA wrote directly to its members reminding them that the Association still believes in "professional responsibility of medical service…continuance of private practice… [and] then exclusion of federal control."[44] The same article that outlined the "principles" mentioned above, the AMA discussed legislation such as the popular Wagner Bill, submitted by Robert Wagner, which called for the set of a social insurance board run by the Department of Labor, but the AMA feared that the bill would hand over too much control to the federal government.[45]

Later that same year, the AMA "reaffirmed its opposition to all forms of compulsory sickness insurance" and told *JAMA* readers that while the CES was a noble project, there were still too many "inconsistencies and incompatibilities" in the research and reporting.[46] In addition the article described the Wagner

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42   "House of Delegates Adopts Policies on Sickness Care." *Journal of American Medical Association* vol. 104, no.8 (1935): 652

43   Witte, *The Development of the Social Security Act*, 183

44   "Progress of Plans for Economic Security." *Journal of American Medical Association* vol. 104, no.4 (1935): 320

45   Ibid., 319

46   "House of Delegates Adopts Policies on Sickness Care." *Journal of American Medical Association* vol. 104, no.8 (1935): 652

Bill's section about a Children's Bureau, which would be under federal control, as "deplor[able]."[47] Later, the AMA "rejoiced" when the final Wagner-Doughton-Lewis Bill did not include any provision for health insurance and the AMA took comfort in knowing that it had led the nation further away from the idea of NHI. [48]

Through the *JAMA*, the AMA continued to lobby against the NHI concept in excerpts it released from the Public Relations of the Medical Society of the State of Pennsylvania by Dr. William Mayer.[49] Mayer wanted organizations and physicians alike to "discourage the activities of the American Association for Social Security" which he claimed called for the socialization of medicine.[50] Mayer also referenced the systems in Germany and Britain, saying that the costs these systems produced ultimately will be the "burden [of the] taxpayer." [51]After much tension and strong debate with the AMA, the CES did not include any specific provision for NHI in its final report given to the President on March 1st, and no health insurance measure was included in any Social Security liegislation until Medicaid and Medicare under the Johnson administration in the 1960's.[52]

The Administration's Response

The AMA understood the influence its organization and publications had on the CES and the President himself, and not-

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47   Ibid., 653

48   Burrow, *AMA: Voice of American Medicine*, 197

49   "Compulsory Health Insurance." *Journal of American Medical Association* vol. 104, no.7(1935): pg. 567

50   Ibid., 567

51   Ibid., 567

52   Witte, *The Development of the Social Security Act*, 187-188

ed in a *JAMA* article that the it was the only group recognized by name in any CES report or transcript.[53] In the volumes of the *JAMA* for 1934 and 1935, there are approximately 20 articles, 7 alone in the early half of 1935 before the act was signed, that discuss the administrations plans for NHI. And no single article depicted the NHI concept in a positive light. The *JAMA* clearly represented the views of the AMA because its editor and boards members published each volume. While this specialized journal was not a widely read periodical of the day, it did however influence American physicians and helped create opposition to NHI among its members. Nancy Perkins, the Secretary of Labor under Roosevelt, the first female member in any U.S President's Cabinet, and a member of the CES, said "we postponed the introduction of the bill on health insurance as the opposition from the AMA was so great."[54] Dr. Sydenstricker, after the NHI program was not included in the Social Security Act of 1935, stated that "Roosevelt got licked by a group of doctors." [55] Additionally, John Kingsbury, former Secretary of the Milbank Foundation, told the *New York Times* that it was unfortunate that "organized medical politicians…of the AMA" kept health insurance out of the Social Security Act.[56] After Witte expressed to the President that it would be "unwise" to go ahead with such strong opposition, the President merely moved the findings along with the

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53   "Progress of Plans for Economic Security." *Journal of American Medical Association* vol. 104, no.4 (1935): 320

54   Witte, *The Development of the Social Security Act, vii*

55   Jaap Kooijman, "Licked by Group of Doctors: The Exclusion of a National Health Insurance Program from the Social Security Act of 1935." *European Contributions to American Studies*. Vol. 37 Number   (1996): 137

56 Anonymous 5. "POLITICS IN CRISIS LAID TO ROOSEVELT:" *New York Times* (Dec 28, 1935): 1, 2 pgs

"suggestion of further study" to the board of Social Security.[57] When the Social Security bill had passed through the House of Representatives, the *JAMA* had an article telling it readers that "Health insurance was not included."[58]

Conclusion

Dr. I.S Falk said that he felt Roosevelt should have "seized the opportunity to create a national health insurance program" but considering the importance of the Social Security Act to the country and the AMA's opposition to the NHI portion of the act, it might have risked the Act's passage to have insisted on a NHI.[59] In the end the AMA played to the fears of Americans by misrepresenting examples of NHI plans from Britain and Germany as well as calling into question the American way of independence, and consistently conveying to its readers the horrors of a controlling government. Given the circumstances, FDR followed what he saw as the right course of action by accepting the recommendation of the CES, heavily influenced by the AMA, and did not include the measure in the monumental piece of American legislation. Little progress has been made on the issue since this initial battle in 1934-1935. Today, as the nation struggles over health care reform, it is important to understand where and when these debates began on the national level. Much of the rhetoric and language used by physicians and several presidential administrations almost exactly mirrors the argument between the AMA and the Roosevelt administration over 75 years ago.

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57   Witte, *The Development of the Social Security* Act, 188-189

58   "Federal Plans for Social Security." *Journal of American Medical Association* vol. 104, no.18(1935): 1639

59   Funigiello, *Chronic Politics*, 21

Work Cited and Consulted

Primary Sources

New York Times

Journal of the American Medical Association

Roosevelt, Franklin D. *The Public Papers and Address of Franklin D. Roosevelt.* Vol. 3, *The Advance of Recovery and Reform 1934.* New York: Random House, 1938.

Secondary Sources

Burrow, James G. *AMA: Voice of American Medicine.* Baltimore: The Johns Hopkins Press. 1963

Funigiello, Phillip J. Chronic Politics: *Health care security from FDR to George W. Bush* [Lawrence, Kan.] : University Press of Kansas, 2005

Galbraith, John K. *The Great Crash, 1929* (Boston: Houghton Mifflin, 1997 [1954])

Kent, Frank R.. "The New Social Security Act." *Vital Speeches of the Day.* Vol. 2 Issue 1, p7-9, 3p (1935)

Kooijman, Jaap. *--and the pursuit of national health: the incremental strategy toward national health insurance in the United States of America*. Amsterdam: Rodopi, 1999.

Kooijman, Jaap. "Licked by Group of Doctors: The Exclusion of a National Health Insurance Program from the Social Security Act of 1935." *European Contributions to American Studies*. Vol. 37 Number 2 (1996): 129-145

McElvaine, Robert. *The Depression and New Deal: A History in Documents* (New York: Oxford University Press, 2000)

Rauchway, Eric. *The Great Depression & The New Deal: A Very Short Introduction*. Oxford: Oxford University Press, 2008.

Rorty, James. *American Medicine Mobilizes*. New York: Vail-ballou Press, 1939.

Witte, Edwin E. *The Development of the Social Security Act.* Madison: The University of Wisconsin Press. 1962

Rodgers, Daniel T. *Atlantic Crossings: Social politics in a progressive age*. Cambridge,   Mass.: Belknap Press of Harvard University Press, 1998.

Monopolies and Anti-trust Legislation during the Progressive Era
Kelly Adsit

The United States' Progressive Era was characterized by a reform minded attitude towards government and economy. People of the era attempted to pressure the government to work for the general welfare of the people rather than the welfare of private businesses. A major issue that concerned people during this era was the power and control monopolies had over the country, which was gained through their domination over industry. The government initiated several acts in an effort to regulate these powerful corporations. Theodore Roosevelt, William Howard Taft, and Woodrow Wilson worked to implement their differeing positions on the government's role in controlling monopolies. Whereas, Roosevelt used rhetoric to alter public perceptions and lecture to businesses, Taft used pre-existing legislation to bring lawsuits to court. During the Wilson administration, legislative acts finally made advancement toward control of monopolies and trusts. This paper focuses on presidential policy and action during the Progressive Era, which ultimately caused a shift

from a nearly free market economy dominated by monopolies to an economy with strong government regulation. In this, the American politco-economic philosophy changed from classical liberalism to welfare liberalism.

During post-Civil War America, single businesses were beginning to take over the modes of production. During the depression from 1873-1879, many big business owners, like John D. Rockefeller and Andrew Carnegie, "took full advantage of the depression as part of their strategy towards monopoly control of their industries"[1] and bought those companies that were only marginally competitive for a cheap price. Other less competitive businesses banded with each other in efforts to stay in business and limit competition. Businessmen first looked to solve their commercial problems through a pool, which was a gentleman's agreement to divide trade and share profits among rivals of similar markets.[2] This began to create the monopolistic society that plagued the years leading into the Progressive Era with business "instability and social insecurity,"[3] due to lack of political power against industry.

Farmers and small businesses were the first to suffer the effects of monopolies. With railroads among the first to merge into monopolies, their control of the market led to raised rates, which posed problems for farmers moving their goods to markets. This displays how the American economy was being run by large, wealthy businesses; indeed, it was "a veritable

1   Cashman, Sean Dennis. *America in the Gilded Age.* New York: New York University Press, 1988. p.43

2   Ibid, p.43

3   Thimm, Alfred L. *Business Ideologies in the Reform-Pro-gressive Era, 1880-1914.* Alabama: The University of Alabama Press, 1976. p.13

plutocracy." [4]   Business wealth had become so concentrated among the top industrial leaders that 57 percent of America's industrial production was produced by only 4 percent of American business owners by 1904.[5] Business ideology became the nation's ideology through an ineffectiveness to create a business philosophy opposed to monopolistic practices, thus establishing the acceptability of these business values for the country.[6] With limited control, monopolies and trusts were able to reach the apex of their power, which simultaneously allowed the general welfare of the people to fall to the wayside.

The dominant business ideology of post-civil war America is best defined as classical liberalism. Classical liberalism is a philosophy that relies on the perfection of mankind (or business) through the utilization of laissez faire 'natural laws' to freely regulate the economy within an institutional framework that protects personal liberty and property rights above all else.[7] This ideology grew to dominate both the political and economic landscape. Classical liberalism complimented the popular idea of limited government, which was held by many business leaders due to their "strong commitment to economic liberty and an overpowering fear that the government might impair or destroy [their] precious liberty."[8] As such, the Gilded Age, the post-

4 Cashman, Sean Dennis. *America in the Gilded Age.* New York: New York University Press, 1988. p.58

5   Ibid, p.58

6 Thimm, Alfred L. *Business Ideologies in the Reform-Progressive Era, 1880-1914.* Alabama: The University of Alabama Press, 1976. p.24

7   Ibid, p.4

8   Hill, Lewis E. "On Laissez-Faire Capitalism and 'Liberalism'." *American Journal of Economics and Sociology* (American Journal of Economics and Sociology, Inc.) 23, no. 4 (October 1964): 393-396. p.394

Civil War era, was dominated by classical liberalism, which was expressed by the government through laissez-faire capitalistic practices.

Despite the domination of classical liberalism, the government made some intrusions on the unregulated business practices. The start of progressive legislative action towards trusts and monopolies began when the Interstate Commerce Act was passed in February 1887. The act created the Interstate Commerce Commission (ICC), the first legislatively sanctioned agency to oversee interstate commerce. One of the major inspirations for the creation of the ICC was to regulate and control railroads.   There was considerable debate in Congress prior to the passage of the bill. The delicate position of the congressional majority was that "no congressman wanted to be seen impeding progress of the rails, but no one wanted to be seen ignoring the will of the public…"[9] High hopes existed for the commission, but it became apparent that it was not going to be taken seriously, especially by railroad owners, who constantly worked to avoid its regulations. Owners were irritated by the prevention of pooling, so they attempted to alter regulation or, if unable, to find ways around regulation through lobbying and collusion. The Interstate Commerce Act became more of an emblematic step than effective action towards regulation of monopolies, trusts, and industry.

After the creation of the Interstate Commerce Commission, the public demanded more action against trusts, which led to the passage of the Sherman Anti-trust Bill on July 2, 1890. The bill's most important aspects appeared within the first two sections. Section One reads:

9 Geisst, Charles R. *Monopolies in America.* New York: Oxford University Press, 2000. p.32

> Every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several States, or with foreign nations, is herby declared to be illegal.[10]

Section Two, directly combating trusts, reads:

> Every person who shall monopolize, or attempt to monopolize, or combine or conspire with any part of the trade or commerce among the several States, or with foreign nations, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine not exceeding five thousand dollars.[11]

While the bill attempted to stop monopolies and give the Supreme Court legislative power to fight against them, it contained broad language and only minor punishment for infractions, which posed a major problem in its enforcement. The bill was purposely composed in broad language so that it could "be used in the future without being subject to claims that the law was out of date."[12] However, these flaws led businessmen to ignore the seriousness of the act, thus rendering it ineffective and, if anything, a symbolic step step toward regulation.[13]

Businesses were able to exploit weaknesses in the Interstate Commerce Act and the Sherman Antitrust Act. Between 1893 and 1904, the number of large business combinations increased from 12 to 318 and the aggregate capital increased from less

10 The Federal Antitrust Laws With Summary of Cases Instituted by the U.S. 1890-1951. New York: Commerce Clearing House, Inc., 1952. p.7
11 Ibid, p.7-8
12 Geisst, Charles R. *Monopolies in America.* New York: Oxford University Press, 2000. p.43
13   Ibid, p.43

than $1 billion to $7 billion.[14] In the mist of these legislative attempts, many companies continued to merge together or to create independent companies with similar or the same boards of directors. The October 28, 1890 edition of the *New York Times* expressed its discontent for the Sherman Act in an editorial discussing how senators lack enforcement by allowing the continual development of trusts despite the act. The editorial goes on to question, "has it had any effect whatever except to exhibit more plainly the insincerity of its projector and of many other Senators who voted for it?"[15]

Both Theodore Roosevelt and William Howard Taft attempted to acknowledge and enforce the Sherman Act by taking lawsuits to court. This strategy earned them the nickname of "trust busters." Both men supported antitrust activities, earning them the title of "trust busters". Roosevelt brought some lawsuits against companies, but concentrated more on rhetoric than action. Roosevelt attempted to combine antitrust advocation with a pro-business stance that aimed to "protect the good name of honest businesses" and "to safeguard them from hostile public sentiment."[16] Taft, more so than Roosevelt, was true to the nickname, using both the judicial system and legislation to

14   Cashman, Sean Dennis. *America in the Gilded Age.* New York: New York University Press, 1988. p.348-349
15   New York Times Bose, Meena. *The New York Times on the Presidency, 1853-2008.* Washington D.C.: CQ Press, 2009. p.157
16   Dorsey, Leroy G. "Theodore Roosevelt and Corporate America, 1901-1909: A Reexamination." *Presidential Studies Quarterly* (Blackwell Publishing on behalf of the Center for the Study of the Presidency and Congress) 25, no. 4 (Fall 1995): 725-739. p.735

bring lawsuits against numerous antitrust offenders.

Roosevelt targeted railroads because he felt they were the worst offenders. His greatest judicial win was in the case of *United States v. Northern Securities Company*. "[The] Northern Securities Company had acquired and was holding and voting a large majority of the capital stock of Great Northern Railway Company and Northern Pacific Railway Company."[17] This combination was declared illegal. Roosevelt had only a few judicial and legislative wins. Much of his "trust busting" was done through rhetoric. His goal was to reveal to the public corporate abuses, but also show to the public that business was necessary for national growth. At the same time, Roosevelt pressured businesses to reform themselves as a means to fight the trusts and corporate abusers. Roosevelt used metaphors to change the public's perception of big business. He "compared the nation's material well-being to a fit human body maintained by big business. By making the corporations and trusts a necessary 'organ' for the welfare of the public 'body'"[18] Roosevelt argued that corporations were the natural order of businesses and not all trusts were bad for American society. Roosevelt's focus was twofold in utilizing his presidential rhetoric to alter the public's perception on corporations and to put pressure on big businesses to reform themselves.

William Howard Taft approached trusts with more force than the Roosevelt's administration. Taft put his full faith in

17   The Federal Antitrust Laws With Summary of Cases Instituted by the U.S. 1890-1951. New York: Commerce Clearing House, Inc., 1952. p.72

18   Dorsey, Leroy G. "Theodore Roosevelt and Corporate America, 1901-1909: A Reexamination." *Presidential Studies Quarterly* (Blackwell Publishing on behalf of the Center for the Study of the Presidency and Congress) 25, no. 4 (Fall 1995): 725-739. p.729

bring lawsuits based on the Sherman Antitrust Act.[19]   Whereas, Taft pursued seventy lawsuits in his four years, Roosevelt pursued only forty in his seven years in office.[20]   In a message to Congress, on the Sherman Act and Trusts on December 5, 1911, he displayed his view of the antitrust act:

> The anti-trust act is the expression of the effort of a freedom-loving people to preserve equality of opportunity. It is the result of the confident determination of such people to maintain their future growth by preserving uncontrolled and unrestricted the enterprise of the individual, his industry, his ingenuity, his intelligence, and his independent courage…Many of its violators were cynical over its assumed impotence. It seemed impossible of enforcement…Now its efficacy is seen; no its power is heavy; now its object is near achievement.[21]

Taft further attacked trusts in his Speech of Acceptance delivered on July 28, 1908:

> Unlawful trusts should be restrained with all the efficiency of injunctive process, and the persons engaged in maintaining them should be punished with all the severity of criminal prosecution, in order that the methods pursued in the operation of their business shall be brought within the law.[22]

In the Election of 1912, issues regarding trusts and

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19 Romero, Francine Sanders. *Presidents from Theodore Roosevelt through Coolidge, 1901-1929.* Westport, Connecticut: Greenwood Press, 2002. p.81

20 Ibid, p.81

21   Ibid, p.85

22 Burton, David H., ed. *The Collected Works of WIlliam Howard Taft.* Vol. 3. 8 vols. Athens: Ohio University Press, 2002. p.14-15

antitrust action were the highlight of debates. Roosevelt attempted to pursue another presidential term, by becoming the Independent Party candidate. His transition to the Independent Party occurred after Taft defeated him for the Republican Party ticket. Due to split support for the two candidates, the Republican Party became divided. On the opposing platform, Woodrow Wilson ran for the Democratic Party. Each candidate put forth different positions on how to deal with trusts, which was a significant issue in the debates leading up to the election.

William Howard Taft's approach to trusts in the election was to continue the policy goals of his administration. He strongly supported the Sherman Anti-trust Act and continued to argue that it had proved its effectiveness. Taft's speech at the American Academy of Political and Social Science, March 30, 1912, discussed his stance:

> I believe that the law has been explained by the Supreme Court of the United States in such a way that most business men can understand it, if they desire to…I think that we must retain the law, my friends. I don't think we can permit the gathering together of these great industrial combinations that are illegal, merely by a desire to secure a reduction in the cost of production…Now I am not in favor of persecution or running amuck among the businesses of the country…it [government policy] is to treat that law as any other law, and enforce it so long as…we find violations of it.[23]

His ultimate goal was to continue to enforce the law and prosecute those who were guilty.

Roosevelt and Wilson were more successful than Taft in effectively captured public attention with their views on corporate business practices. Roosevelt adopted a plan that he

23 Flehinger, Brett. *The 1912 Election and the Power of Progressivism.* Boston: Bedford/St. Martin's, 2003. p.144

termed New Nationalism. His speech on New Nationalism on August 31, 1910 defines the idea of his plan:

> This New Nationalism regards the executive power as the steward of the public welfare. It demands of the judiciary that it shall be interested primarily in human welfare rather than in property, just as it demands that the representative body shall represent all the people rather than any one class or section of the people.[24]

His plan supported "a nearly socialistic conception of broad federal regulation of property rights as means to protect and advance the general welfare."[25] This new agenda, focused on increased government regulation, frightened businessmen.

In opposition to Roosevelt's New Nationalism, Wilson developed his plan of New Freedom. Wilson criticized the ideas of Roosevelt's New Nationalism in his speech at Buffalo, New York on September 2, 1912 arguing that,

> We can prevent those processes by remedial legislation, and that remedial legislation will so restrict that wrong use of competition that that right use of competition will destroy monopoly. In other words, ours is a program of liberty and theirs is a program of regulation. Ours is a program by which we find we know the wrongs that have been committed and we can stop those wrongs. And we are not going to adopt into the governmental family those men who forward the wrongs and license them to do the whole business of the country.[26]

24 Flehinger, Brett. *The 1912 Election and the Power of Progressivism.* Boston: Bedford/St. Martin's, 2003.   p.69

25 Romero, Francine Sanders. *Presidents from Theodore Roosevelt through Coolidge, 1901-1929.* Westport, Connecticut: Greenwood Press, 2002. p.3

26 Flehinger, Brett. *The 1912 Election and the Power of Progressivism.* Boston: Bedford/St. Martin's, 2003. p.126

The argument behind his plan was that "while the progressive antitrust agenda had been valuable to the extent that it limited the destructive powers of monopolies, it had gone too far and instilled a dangerously antibusiness mood in the nation"[27] He wanted to create progressive regulation to dissolve harmful trusts coupled with the creation of policies to relieve American business from an overly active government.[28] By election time, Wilson's rhetoric won out. The New York Times wrote that:

> Woodrow Wilson was elected President yesterday…by an Electoral majority which challenged comparison with the year in which Horace Greeley was defeated by Grant. Until now that year has always been the standard of comparison for disastrous defeats, but the downfall of the Republican Party this year runs it a close second…The Republican Party is wiped off the map.[29]

One of Woodrow Wilson's goals as a President was to be a great reform legislator. He was largely responsible for the progressive accomplishments during his presidency. The legislation for the Federal Reserve Act of 1913, the Federal Trade Commission Act of 1914, and the Clayton Antitrust Act of 1914 were all proposed and pushed through by Wilson himself.[30]

27   Romero, Francine Sanders. *Presidents from Theodore Roosevelt through Coolidge, 1901-1929.* Westport, Connecticut: Greenwood Press, 2002. p.99

28   Romero, Francine Sanders. *Presidents from Theodore Roosevelt through Coolidge, 1901-1929.* Westport, Connecticut: Greenwood Press, 2002. p.99

29 New York Times Bose, Meena. *The New York Times on the Presidency, 1853-2008.* Washington D.C.: CQ Press, 2009. p.217

30 Walker, Larry. "Woodrow Wilson, Progressive Reform, and Public Administration." *Political Science Quarterly* (The Academy of Political

Each of these acts greatly increased the government's control over unregulated areas of American society. These legislative aspects of Wilson's New Freedom program were different than the prior attempts by Roosevelt and Taft due to the increased role of the federal government. Though slightly different than his campaign promises prior to his presidency, these laws brought him a great degree of support.

The first economic and business accomplishment that Wilson achieved was the passage of the Federal Reserve Act of 1913. This act created the Federal Reserve System, a central banking system. In creating this entity, he believed, "a central bank, as well as ending protection, would benefit all participants in the economy and greatly energize the enterprise of small producers and traders."[31] The Federal Reserve also served to protect the people from the "money trust," which became the nickname for a trust of private bank financers in New York. This act was considered the centerpiece of the New Freedom program and the greatest legislative monument of Wilson's Presidency.[32]

Woodrow Wilson expanded his successes in antitrust legislation with new legislative action.   He continued to propose and push legislation through Congress and passed the Federal Trade Commission Act and the Clayton Antitrust Act. The Federal Trade Commission Act created the Federal Trade Commission, which was a body of five members designed to regulate a wide range of business practices in efforts to protect the consumer and prevent anti-competitive business behavior leading to monopolies. Section Five of the act begins with one

Science) 104, no. 3 (Autumn 1989): 509-525. p.513

31 Jr., John Milton Cooper, ed. *Reconsidering Woodrow Wilson*. Washington, D.C.: Woodrow Wilson Center Press, 2008. p.71

32 Jr., John Milton Cooper, ed. *Reconsidering Woodrow Wilson*. Washington, D.C.: Woodrow Wilson Center Press, 2008. p.3

of the first illegal practices and powers of the commission:

> (a) Unfair methods of competition in commerce, and unfair or deceptive acts or practices in commerce, are hereby declared unlawful.
> The Commission is hereby empowered and directed to prevent persons, partnerships, or corporations…from using unfair methods of competition in commerce and unfair or deceptive acts or practices in commerce.[33]

The act combats the monopolistic practices by establishing a body specifically designed to stop such practices. The commission was a large step toward the creation of a regulated corporate United States. Almost simultaneously with the passage of the Federal Trade Commission Act, the Clayton Antitrust Act was passed.

The Clayton Antitrust Act "gave the government more leverage in trust prosecution and banned interlocking directorates and other practices restricting competition."[34] It was hailed as labor's "Magna Carta" by Samuel Grompers, leader of the American Federation of Labor.[35] The act worked to solve the greatest failures, that is, lack of clarification and detail, of the Sherman Antitrust Act. The act also made creation of new horizontal mergers difficult, prevented interlocking directorships, and prohibited price discrimination.[36] The Federal

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33 The Federal Antitrust Laws With Summary of Cases Instituted by the U.S. 1890-1951. New York: Commerce Clearing House, Inc., 1952. p.25

34 DiNunzio, Mario R., ed. *Woodrow Wilson: Essential Writings and Speeches of the Scholar-President.* New York: New York University Press, 2006. p.20

35 Ibid, p.20

36 Geisst, Charles R. *Monopolies in America.* New York: Ox-

Trade Commission, through the passage of this act, was able to use it in its efforts to battle unfair practices and trusts that disadvantaged smaller, less competitive businesses.   A case which utilized these new regulatory laws was the *Federal Trade Commission v. Western Meat Co.*   Justice McReynolds found that the "causes necessitate consideration of the power of the Federal Trade Commission where it finds that one corporation has acquired shared to a competitor contrary to the inhibition of the Clayton Act."[37]   This case demonstrates the willingness of the Federal Trade Commission to use the Clayton Act in its judicial efforts to battle trusts and unfair business practices.

The Wilson presidency made considerable domestic advancement. His New Freedom program proved to move in the direction of Roosevelt's "vision of a more activist federal government."[38] His legislation created a wider range of control for the federal government in order to curtail trusts and anti-competitive practices. Wilson was the first president of the Progressive Era able to successfully pass and implement *effective* antitrust legislation, pushing the United States in a direction of a regulated, but still competitive and opportunistic, capitalistic society.

Emerging from all of the reforms and legislation towards the dissolving of monopolies and trusts and regulating industry was a new sense of capitalism and in a broader sense, liberalism. In the late nineteenth century America, classical liberalism

ford University Press, 2000. p.85

37 McLaughlin, James Angell, ed. *Cases on the Federal Anti-Trust Laws of the United States.* Cambridge: James Angell McLaughlin, 1933. p.297

38 DiNunzio, Mario R., ed. *Woodrow Wilson: Essential Writings and Speeches of the Scholar-President.* New York: New York University Press, 2006. p.21

dominated political and economical philosophy. Alfred L. Thimm stated, "the empiricism and rationalism of classical liberalism were turned toward the development of legal and institutional reforms that would protect the individual from the concentration of economic power."[39] With the rejection of classical liberalism, the ideology was replaced with social democracy. Since trusts and monopolies were dissolving and in turn losing their power to the increasing power of the government, a more widely accepted ideology of social democracy emerged. The idea of social democracy is consistant with social liberalism, however, with the belief of a mixed economy and government's duty to take care of the economic welfare through regulation and legislation. Through the years of progressive reform and legislation, the socio-economic philosophy of the United States changed from Classical Liberalism to a Social Liberalism or, as some scholars have termed it, "welfare liberalism," based on the concept that unrestrained capitalism impedes true freedom. This new liberalism also proposed the idea that it was the growth of unrestrained big businesses that destroyed the economic system and government must assume protective responsibility for the economic welfare of the nation.[40]   The meaning of American capitalism changed with the development of Progressive Era governmental regulation through the legislative and judicial involvement of Roosevelt, Taft, and Wilson.

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39 Thimm, Alfred L. *Business Ideologies in the Reform-Progressive Era, 1880-1914.* Alabama: The University of Alabama Press, 1976. p.4
40 Ibid, p.396

Work Cited and Consulted

Burton, David H., ed. *The Collected Works of WIlliam Howard Taft.* Vol. 3. 8 vols. Athens: Ohio University Press, 2002.

Cashman, Sean Dennis. *America in the Gilded Age.* New York: New York University Press, 1988.

DiNunzio, Mario R., ed. *Woodrow Wilson: Essential Writings and Speeches of the Scholar-President.* New York: New York University Press, 2006.

Dorsey, Leroy G. "Theodore Roosevelt and Corporate America, 1901-1909: A Reexamination."

Presidential Studies Quarterly (Blackwell Publishing on behalf of the Center for the Study of the Presidency and Congress) 25, no. 4 (Fall 1995): 725-739.

Flehinger, Brett. *The 1912 Election and the Power of Progressivism.* Boston: Bedford/St. Martin's, 2003.

Geisst, Charles R. *Monopolies in America.* New York: Oxford University Press, 2000.

Hill, Lewis E. "On Laissez-Faire Capitalism and 'Liberalism'."

American Journal of Economics and Sociology (American Journal of Economics and Sociology, Inc.) 23, no. 4 (October 1964): 393-396.

Jr., John Milton Cooper, ed. *Reconsidering Woodrow Wilson.* Washington, D.C.: Woodrow Wilson Center Press, 2008.

McLaughlin, James Angell, ed. *Cases on the Federal Anti-Trust Laws of the United States.* Cambridge: James Angell McLaughlin, 1933.

New York Times Bose, Meena. *The New York Times on the Presidency, 1853-2008.* Washington D.C.: CQ Press, 2009.

Romero, Francine Sanders. *Presidents from Theodore Roosevelt through Coolidge, 1901-1929.* Westport, Connecticut: Greenwood Press, 2002.

The Federal Antitrust Laws With Summary of Cases Instituted by the U.S. 1890-1951. New York: Commerce Clearing House, Inc., 1952.

Thimm, Alfred L. *Business Ideologies in the Reform-Progressive Era, 1880-1914.* Alabama: The University of Alabama Press, 1976.

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