

## Winston Churchill's Constitutionalism: A Critique of Socialism in America

*Justin D. Lyons*

Sir Winston Churchill (1874–1965) is best known for his leadership as Prime Minister of Great Britain during the Second World War, but it should be remembered that this period of heroism was the high point of a long and varied career in British politics. He was elected to the House of Commons in 1900 and was to continue as a member of the House for 64 years, holding every major Cabinet post except the Foreign Ministry and ascending to the office of Prime Minister twice. This extensive political experience produced deep and often underappreciated reflection on political matters.

Churchill led his people in a desperate battle, but his leadership was not unreasoned or incoherent—it could not have been successful if it were. Churchill himself stressed that effective leadership depends upon consistent and coherent thought:

Those who are possessed of a definite body of doctrine and of deeply rooted convictions upon it will be in a much better position to deal with the shifts and surprises of daily affairs than those who are merely taking short views, and indulging their natural impulses as they are evoked by what they read from day to day.<sup>1</sup>

<sup>1</sup> Winston S. Churchill, *The Second World War*, Vol. I, *The Gathering Storm* (Boston: Houghton Mifflin Company, 1948), p. 210.

Churchill's own convictions flowed from the Anglo-American constitutionalism of which he was so proud and devoted an heir. His attachment to the principles of political freedom guided his decisions and was the heart of his profound ability to inspire through speech. This attachment was not merely instinctive or inherited; it was the product of reason and experience.

Churchill reflected broadly and deeply on the political issues of his own day in both the domestic and international spheres. Indeed, it is indicative of his comprehensive understanding that he never lost sight of the connections between those spheres. In the 1920s and '30s in particular, Churchill surveyed with unease the collectivist trends that were sapping the internal strength of his own country and threatening to create instability abroad. He opposed such programs, whether originating on the Left or on the Right of the political spectrum in Britain, as destructive of freedom. It was Churchill's great desire as a statesman to make his country worthy of the tasks set before it, to enable it to overcome the perils it faced within as well as without; but he also wanted to ensure that other nations would not surrender the blessings of liberty. It is well worth the effort to examine his thoughts on these matters, both for his diagnosis of political ills and for his prescriptions for political health.

Looking at Churchill's political thought as a whole, we see a statesman in agreement with America's first

principles and a staunch defender of individual liberty, Anglo-American constitutionalism, and limited government in Britain and worldwide. Churchill's ideas on these matters stemmed from his explicit agreement with the crucial statements of these principles by the American Founders.

Because scholars have paid so much attention to the working relationship between Churchill and Franklin Delano Roosevelt in matters of foreign policy, we tend to assume that they were entirely agreed on domestic policy. But by viewing Churchill's thoughts on America as shown through the great issue of the day—the New Deal—we see that Churchill was an opponent of FDR's centralized administrative philosophy of government and that his opposition was grounded in a recurrence to our founding principles.

### A UNITY OF SPIRIT

At a time when America was undergoing significant political change due to the Great Depression and FDR's New Deal, Churchill had much to say about political change in the United States. It was Churchill's view that, while the governing forms of the United States and Britain differ, the governing principles are the same: Both countries were built upon principles of freedom.

He humorously pointed to this idea when speaking to a joint session of Congress as the United States entered the Second World War in December of 1941. Alluding to the fact that his mother was American, Churchill joked that it was only an accident of birth that had placed him in the legislative assembly across the Atlantic rather than in Washington D.C.: "By the way, I cannot help reflecting that if my father had been American and my mother British, instead of the other way round, I might have got here on my own." After all, what substantive differences were there between the two assemblies? Both were animated by essentially the same principles, and both strove for essentially the same ends:

Therefore I have been in full harmony all my life with the tides which have flowed on both sides

of the Atlantic against privilege and monopoly, and I have steered confidently towards the Gettysburg ideal of "government of the people by the people for the people." In my country, as in yours, public men are proud to be the servants of the State and would be ashamed to be its masters.<sup>2</sup>

Of course, there were certain "historical incidents," as Churchill writes, that had led to the political separation of the two countries—such as the unpleasantness of a revolutionary war. Churchill titles the chapter in his multi-volume *History of the English Speaking Peoples* dealing with the lead up to the War of Independence "The Quarrel with America." He might have titled it "Unfortunate Misunderstandings." This was a family quarrel—a quarrel in which harsh things were said and done but which, in Churchill's view, must ultimately be healed and forgotten within the far more powerful ties of common blood. He viewed even the Declaration of Independence from England as in perfect harmony with British political principles.<sup>3</sup> Indeed, he argued that the Declaration belonged not to America alone but to all of the children of the English common law: "The Declaration is not only an American document. It follows on the Magna Charta and the Bill of Rights as the third great title deed on which the liberties of the English-speaking peoples are founded."<sup>4</sup>

Churchill never tired of stressing this essential political harmony, making many references to Anglo-American action, especially during the Second World War, incorporating the political and legal doctrines of

<sup>2</sup> "A Long and Hard War," December 26, 1941, in Robert Rhodes James, ed., *Winston Churchill: His Complete Speeches 1897–1963* (London: Chelsea House Publishers, 1974), Vol. VI, p. 6536. Cited hereafter as *Complete Speeches*.

<sup>3</sup> "The Declaration was in the main a restatement of the principles which had animated the Whig struggle against the later Stuarts and the English Revolution of 1688, and it now became the symbol and rallying centre of the Patriot cause." Winston S. Churchill, *A History of the English Speaking Peoples*, Vol. 3, *The Age of Revolution* (New York: Barnes and Noble Books, 1993), p. 189.

<sup>4</sup> "The Third Great Title-Deed of Anglo-American Liberties," July 4, 1918, in *Complete Speeches*, Vol. III, p. 2614.

the two nations and underscoring the common traditions and goals of the two peoples.<sup>5</sup> But he did not emphasize Anglo–American similarities only during the hour of peril, when American aid was so necessary to the survival of Britain. He continued to do so even after the war. Speaking to the American Bar Association in 1957, for example, Churchill made much of the similarities in law between the two countries, maintaining that, though they were somewhat different in form, they were united in principle:

In the main, Law and Equity stand in the forefront of the moral forces which our two countries have in common, and rank with our common language in that store of bonds of unity on which I firmly believe our life and destiny depend.... Last week you visited Runnymede. There was the foundation, on which you have placed a monument. It has often been pointed out that the 5th and 14th Amendments of the American Constitution are an echo of the Magna Charta.... National governments may indeed obtain sweeping emergency powers for the sake of protecting the community in times of war or other perils. These will temporarily curtail or suspend the freedom of ordinary men and women, but special powers must be granted by the elected representatives of those same people by Congress or by Parliament, as the case may be.

They do not belong to the State or Government as a right. Their exercise needs vigilant scrutiny, and their grant may be swiftly withdrawn. This

terrible twentieth century has exposed both our communities to grim experiences, and both have emerged restored and guarded. They have come back to us safe and sure. I speak, of course, as a layman on legal topics, but I believe that our differences are more apparent than real, and are the result of geographical and other physical conditions rather than any true division of principle.<sup>6</sup>

Churchill was not engaging in sentimental reflection when he gave such speeches. The unity of principle he pointed to was, and always had been in his view, the basis for unity of action.

In 1946, Churchill delivered what is perhaps his most famous post-war speech at Fulton, Missouri. In what is usually called the “Iron Curtain” speech, Churchill insisted that Anglo–American unity was the foundation of any hope for future peace:

I come to the crux of what I have travelled here to say. Neither the sure prevention of war, nor the continuous rise of world organization will be gained without what I have called the fraternal association of the English-speaking peoples. This means a special relationship between the British Commonwealth and Empire and the United States.<sup>7</sup>

Churchill believed that what he called the “union of the English speaking peoples” was the bedrock of healthy international relations, and he continued to stress such similarities because the task for which American help was needed was larger than an individual war. It was the task of guiding the world toward healthy political arrangements conducive to a stable world peace.

<sup>5</sup> See, for example, “A New Magna Charta” (Lend-Lease), March 12, 1941, in *Complete Speeches*, Vol. VI, p. 6360, and “The Task Ahead,” June 27, 1942, in *Ibid.*, p. 6644: “The day will come when the British and American armies will march into countries, not as invaders, but as liberators, helping the people who have been held under the cruel barbarian yoke.... Also, it will open the world to larger freedom and to life, liberty, and the pursuit of happiness, as the grand words of your Declaration of Independence put it.”

<sup>6</sup> “Liberty and the Law,” July 31, 1957, in *Complete Speeches*, Vol. VIII, pp. 8682–8683.

<sup>7</sup> “The Sinews of Peace,” March 5, 1946, in *Complete Speeches*, Vol. VII, p. 7289.

The similarities Churchill cites are meant to show that in these two countries, so closely linked by language, legal theory, and cultural heritage, the principle of freedom had received its fullest practical expression. But with that blessing of freedom came the duty of the Anglo–American partnership to share its political treasures with the world:

But we must never cease to proclaim in fearless tones the great principles of freedom and the rights of man which are the joint inheritance of the English-speaking world and which through Magna Charta, the Bill of Rights, the Habeas Corpus, trial by jury, and the English common law find their most famous expression in the American Declaration of Independence.<sup>8</sup>

Churchill was never hesitant to proclaim the benefits of the Anglo–American political tradition, which he often touted as a blueprint for other nations:

All this means that the people of any country have the right, and should have the power by constitutional action, by free unfettered elections, with secret ballot, to choose or change the character or form of government under which they dwell; that freedom of speech and thought should reign; that courts of justice, independent of the executive, unbiased by any party, should administer laws which have received the broad assent of large majorities or are consecrated by time and custom. Here are the title deeds of freedom which should lie in every cottage home. Here is the message of the British and American peoples to mankind.<sup>9</sup>

#### “WHAT GOOD’S A CONSTITUTION?”

In *The Age of Roosevelt*, Arthur Schlesinger, Jr., quotes Churchill’s 1936 article “What Good’s a

Constitution?”<sup>10</sup> introducing the former Prime Minister as “an eminent English observer.” Unfortunately, Schlesinger quotes the article in such a way as to give a false impression of Churchill’s message. Schlesinger quotes from only the last few paragraphs, giving the very strong impression that Churchill fully supported Roosevelt’s views of the Constitution and the need to overcome the Supreme Court’s opposition to the policies of the New Deal. Schlesinger quotes Churchill writing, “This is an age in which the citizen requires more, and not less, legal protection in the exercise of his rights and liberties.” Given the context of the work and chapter in which it occurs, the reader quite naturally takes away the impression that Churchill means it in the same way as FDR and the other New Dealers meant it—that the conditions of modern industrial society, especially the concentration of economic power in large corporations, required a much greater degree of governmental intervention and control to secure the liberties of the common man.

But this is not Churchill’s meaning. In fact, when one reads the entire article, it becomes clear that he means quite the opposite—that liberty is best protected by the established boundaries of the constitutional order. “The rigidity of the Constitution of the United States is the shield of the common man,” writes Churchill. Here, too, Schlesinger misleads the reader by rendering it as “The Constitution, he said, was ‘the shield of the common man.’”<sup>11</sup> The surreptitious substitution of “was” for “is” serves the New Deal understanding that the Constitution was no longer an adequate framework for meeting the challenges of American life and economic crisis.

When read from the beginning, it becomes clear that Churchill’s article is much less favorable to the New Deal understanding than Schlesinger admits. Churchill begins his discussion of constitutionalism

<sup>8</sup> *Ibid.*, p. 7288.

<sup>9</sup> *Ibid.*

<sup>10</sup> Arthur M. Schlesinger, Jr., *The Age of Roosevelt*, Vol. 3, *The Politics of Upheaval* (Boston: Houghton Mifflin Company, 1960), p. 495, quoting from Winston S. Churchill, “What Good’s a Constitution?” *Collier’s*, August 22, 1936.

<sup>11</sup> *Ibid.*

by suggesting that one must first consider “the fundamental issue”: “Does he value the State above the citizen, or the citizen above the State? Does a government exist for the individual, or do individuals exist for the government?” Churchill writes that the world is deeply divided on this question, but that some nations—namely, Russia, Germany, and Italy—have definitely chosen “to subordinate the citizen or subject to the life of the State.” All of these states have adopted in peacetime a level of subordination of the individual proper only to a time of war and seek to direct their national life permanently on that basis. What these states have in common, Churchill notes, is the doctrine of socialism, which argues that economic crises are “only another form of war,” which justifies governmental controls. Churchill strongly rejects the comparison of economic crisis to wartime conditions: “One of the greatest reasons for avoiding war is that it is destructive to liberty. But we must not be led into adopting for ourselves the evils of war in time of peace upon any pretext whatever.”

Churchill was to combat this tendency personally during the 1945 election. The government of Great Britain had assumed many extra controls during the war. But, Churchill warned in his campaign against the challenge of the Labour party, if Britain allowed the socialists to gain power, the government’s grip on the individual citizen, far from being loosed again, would grow ever tighter:

Look how even today they hunger for controls of every kind, as if these were delectable foods instead of war-time inflictions and monstrosities. There is to be one State to which all are to be obedient in every act of their lives. This State is to be the arch-employer, the arch-planner, the arch-administrator and ruler, and the arch-caucus-boss.<sup>12</sup>

<sup>12</sup> “Party Politics Again,” June 4, 1945, in *Complete Speeches*, Vol. VII, pp. 7171–7172.

Of course, this economic-crisis-as-war language was frequently employed by the New Dealers, including FDR himself.<sup>13</sup>

Churchill notes that socialism grafts itself onto nationalism and the particular features of the nations it has infected. In Germany, the Weimar regime was destroyed and Hitler was propelled to power through national patriotism, tradition, and pride combined with discontent about inequalities of wealth. In Russia, the program of Communism was buttressed by national sentiment and imperialist aspirations. The next country Churchill mentions, in a shift that must be shocking to those who wish to read the article as simply a pro–New Deal argument, is the United States, which he says has experienced developments similar to those inspired by socialism in the dictatorships:

In the United States, also, economic crisis has led to an extension of the activities of the executive and to the pillorying, by irresponsible agitators, of certain groups and sections of the population as enemies of the rest. There have been efforts to exalt the power of the central government and to limit the rights of individuals.

The combinations at work in the United States, however, are different. Passions and economic jealousies have been unleashed, but they have formed combinations not with imperial ambition or twisted racial pride, but with a sense of public duty and the desire for national prosperity. However, the result, Churchill warns, can be just as dangerous: “It is when passions and cupidities are thus unleashed and, at the same time, the sense of public duty rides high in the hearts of all men and women of good will that the handcuffs can be slipped upon the citizens and they can be brought

<sup>13</sup> To give one example: “I shall ask the Congress for the one remaining instrument to meet the crisis—broad Executive power to wage a war against the emergency, as great as the power that would be given to me if we were in fact invaded by a foreign foe.” Franklin D. Roosevelt, “First Inaugural Address,” Washington, D.C., March 4, 1933.



into entire subjugation to the executive government.”

After describing trends in Germany, Russia, Italy, and the United States, Churchill writes, “I take the opposite view.” He had always rejected any policy or propaganda that would use crisis to extend the power of the state as subverting individual liberty and perverting the purpose of government:

I hold that governments are meant to be, and must remain, the servants of the citizens; that states and federations only come into existence and can only be justified by preserving the “life, liberty and the pursuit of happiness” in the homes and families of individuals. The true right and power rest in the individual. He gives of his right and power to the State, expecting and requiring thereby in return to receive certain advantages and guarantees.

When one has once defined government in terms of its purpose, a test has been introduced by which to judge the goodness and legitimacy of the government. Churchill gives the tests by which he judges the civilization of any community:

What is the degree of freedom possessed by the citizen or subject? Can he think, speak and act freely under well-established, well-known laws? Can he criticize the executive government? Can he sue the State if it has infringed his rights? Are there also great processes for changing the law to meet new conditions?

Churchill judges Great Britain and the United States to be in the forefront of civilized communities according to these standards. This status is due only in part, Churchill writes, to “the good sense and watchfulness of our citizens.” A vital support for freedom also lies in the independence of the courts:

In both our countries the character of the judiciary is a vital factor in the maintenance of the

rights and liberties of the individual citizen. Our judges extend impartially to all men protection, not only against wrongs committed by private persons, but also against the arbitrary acts of public authority. The independence of the courts is, to all of us, the guarantee of freedom and the equal rule of law.

In other words, the safeguard is to be found in a structural feature of both the American and British constitutional arrangements. The independence of the judiciary, while at times productive of frustration and inconvenience to those trying to implement legislative programs or governmental action, must nonetheless be maintained: “It must, therefore, be the first concern of the citizens of a free country to preserve and maintain the independence of the courts of justice, however inconvenient that independence may be, on occasion, to the government of the day.”

These remarks hardly appear sympathetic to FDR’s frustration with the Supreme Court’s repeated striking down of New Deal programs as unconstitutional and his active search for ways to limit the powers of the Court. Later in the article, Churchill refers to the various means that were being considered to accomplish this, including a proposal to introduce a retirement age of 70 for justices. This proposal was not ultimately successful, but Churchill presciently notes that the real challenge may be yet to come. A year after Churchill wrote this piece, FDR famously tried to “pack” the Court with justices more subservient to his political will.

When considering the political situation in America and Britain, Churchill argued, “The question we are discussing is whether a fixed constitution is a bulwark or a fetter.” Churchill is not hesitant to proclaim his own opinion on the matter: “From what I have written it is plain that I incline to the side of those who would regard it as a bulwark, and that I rank the citizen higher than the State, and regard the State as useful only in so far as it preserves his inherent rights.”

The article now becomes exclusively a comparison between Great Britain and the United States: “And here

is the point at which we may consider and contrast the constitutions of our respective countries.” It is very difficult, he writes, for those in England to comprehend the kind of governmental deadlock that has been reached in the United States. That major bills affecting the whole life of the people could be passed through Parliament only to be struck down and nullified by a court of law would be beyond imagination. The British parliamentary system does not have a court empowered with judicial review of legislative acts. If Crown and Parliament unite, the law of the land has been given with final authority. The unwritten British Constitution thus has a potential for great flexibility: “There is no limit to the powers of Crown and Parliament. Even the gravest changes in our Constitution can in theory be carried out by simple majority votes in both Houses and the consequential assent of the Crown.”

The situation in the United States is much different. Limitations on the power of government to prevent the concentration of power in a few hands were central to the American Founding; hence the separation of powers and the carefully crafted interaction of the branches of government. The judiciary was to be independent, but whether the Supreme Court would have a veto over legislation passed by Congress was a matter of debate among the Framers. While the actual language of the Constitution gives no specific grant of such a power, the idea was advanced and became entrenched as an implied power very early in the life of the Republic.<sup>14</sup> The power of judicial review gives the Court an authoritative voice and, in theory if not always in practice, binds the other branches of government to the Constitution.

This system provides the opportunity for a conflict between the American branches of government that is quite remarkable from Churchill’s point of view:

But we now watch the workings of a written Constitution enforced by a Supreme Court according to the letter of the law, under which anyone

may bring a test case challenging not merely the interpretation of a law, but the law itself, and if the Court decides for the appellant, be he only an owner of a few chickens,<sup>15</sup> the whole action of the Legislature and the Executive becomes to that extent null and void.

“American citizens or jurists, in their turn,” Churchill writes, “gaze with wonder at our great British democracy expressing itself with plenary powers through a Government and a Parliament controlled only by the fluctuating currents of public opinion.” He then goes on to describe the features of parliamentary government that differ from the American system: that there is no separation between the Executive and the Legislature, the Government depends for its continuance on the approval of the House of Commons, the ministers of the Government are chosen from the majority party in the legislative body, and Parliament can extend or contract its own duration apart from the statutory limit. The Framers of the American Constitution were, of course, distrustful of these arrangements as being inadequate to restrain the government within its proper bounds.

Churchill recognizes and understands the American hesitancy to approve such arrangements and so asserts that British people are satisfied that governmental power will not be abused: “Yet all classes and all parties have a deep, underlying conviction that these vast, flexible powers will not be abused, that the spirit of our unwritten Constitution will be respected at every stage.” To explain how this conviction is justified, Churchill describes the particular features of British history, politics, and society that make the arrangement workable, citing the beginnings of party politics in Britain, respect for law and constitutional usage, the stability of a permanent civil service, and the attachment of popular opinion to the unwritten constitution.

<sup>15</sup> A reference to *A.L.A. Schechter Poultry Corporation v. United States*, 295 U.S. 495 (1935), in which the National Industrial Recovery Act was overturned by the Supreme Court.

<sup>14</sup> *Marbury v. Madison*, 5 U.S. 137 (1803).

Up to this point, the reader may take it that Churchill simply believes that the British system is better and that the United States would be better off to adopt it in order to avoid clashes between the branches. But this is not the case. Churchill recognizes that the situation in the U.S. is different from that of Britain. The size and complexity of the United States makes the flexibility of the British constitutional arrangement impractical and unwise: “the participants of so vast a federation have the right to effectual guarantees upon the fundamental laws, and that these should not be easily changed to suit a particular emergency or fraction of the country.” This principle, Churchill recognizes, is at the heart of the American Union:

The founders of the Union, although its corpus was then so much smaller, realized this with profound conviction. They did not think it possible to entrust legislation for so diverse a community and enormous an area to a simple majority. They were as well acquainted with the follies and intolerance of parliaments as with the oppression of princes. “To control the powers and conduct of the legislature,” said a leading member of the Convention of 1787, “by an overruling constitution was an improvement in the science and practice of government reserved to the American States.”<sup>16</sup>

Churchill does not think that the organizational principle of federalism safeguarded by a fixed constitution has reached the end of its usefulness: “All the great names of American history can be invoked behind this principle. Why should it be considered obsolete?” In fact, whatever may be thought of the principle by the New Dealers, federalism was at the heart of the success of the American regime: “It may well be that this very quality of rigidity, which is today thought to be so galling, has been a prime factor in founding the greatness of the United States.” Churchill has praised the British system, but he admits that if it

were expanded beyond the bounds of Britain for the governance of the Empire with all of its diversity, that system would fail. It is only the principle of federalism that has allowed the Empire to continue:

In this small island of Britain we make laws for ourselves. But if we had again attempted to apply this flexibility and freedom to the British Empire, and to frame an Imperial Constitution to make laws for the whole body, it would have been broken to pieces. Although we have a free, flexible Constitution at the centre and for the centre of the Empire, nothing is more rigid than the established practice—namely, that we claim no powers to interfere with the affairs of its self-governing component parts. No Supreme Court is needed to enforce this rule. We have learned the lessons of the past too well.

Churchill’s position is that the United States, a political union with a complexity analogous to the Empire, requires both federalism in order to function properly and the Supreme Court to enforce the principle, especially in time of crisis.

A perusal of Roosevelt’s speeches will readily show that he was impatient with those like Churchill who would oppose an evolving interpretation of the Constitution that would permit the federal government to take an increasingly active role in the life of the states. In his Annual Message to the Congress in 1937, for example, Roosevelt called for an “enlightened view” of the Constitution: “Difficulties have grown out of its interpretation but rightly considered, it can be used as an instrument of progress, and not as a device for the prevention of action.”<sup>17</sup>

The language of constitutional flexibility was the common parlance of the New Deal from the beginning, but Churchill gives a negative interpretation of such language:

<sup>16</sup> Churchill is quoting James Wilson.

<sup>17</sup> Franklin D. Roosevelt, “Annual Message to the Congress,” January 6, 1937.



And here we must note a dangerous misuse of terminology. “Taking the rigidity out of the American Constitution” means, and is intended to mean, new gigantic accessions of power to the dominating centre of government and giving it the means to make new fundamental laws enforceable upon all American citizens.

Churchill defends the “rigidity” of the American Constitution as a safeguard of freedom rather than seeing it as an obstacle to the political programs of the New Deal.

We are now in a position to put into context the portion of the article that Schlesinger quotes:

But that rigidity ought not to be interpreted by pedants. In England we continually give new interpretation to the archaic language of our fundamental institutions, and this is no new thing in the United States. The judiciary have obligations which go beyond expounding the mere matter of the law. The Constitution must be made to work.

A true interpretation, however, of the British or the American Constitution is certainly not a chop-logic or pedantic interpretation. So august a body as the Supreme Court in dealing with law must also deal with the life of the United States, and words, however solemn, are only true when they preserve their vital relationship to facts. It would certainly be a great disaster, not only to the American Republic but to the whole world, if a violent collision should take place between the large majority of the American people and the great instrument of government which has so long presided over their expanding fortunes.<sup>18</sup>

These remarks appear to express Churchill’s sympathy with Roosevelt’s desire to ensure that the chang-

ing circumstances of modern life do not cut any citizens off from the means of prosperity and happiness, but they do not retract anything that Churchill wrote in the bulk of this same article or the warnings conveyed therein. Moreover, they occur at the end of his arguments in a section which Churchill sets off from the preceding: “Now, at the end of these reflections, I must strike a minor and different note.” Schlesinger does not provide the larger context of these remarks and so gives the reader a mistaken impression that Churchill was in complete agreement with FDR’s approach to the issues of federalism and the role of the Supreme Court.

### FREEDOM AND TYRANNY

Churchill’s 1937 essay “This Age of Government by Great Dictators” is a meditation on political change. It is an essay of sweeping historical breadth, telling a tale that begins with early European history, where kings were granted a power sufficient to remedy the defects of an earlier, chaotic age and were elevated to an almost godlike status. While this was an improvement on anarchy, the accidents of individual birth and character were unstable foundations on which to risk the fortunes of nations: “At one period Pericles or Augustus, at another Draco or Caligula!”

Once society was set on a firm footing, various kinds of constitutions were invented to restrain the excesses of kings. This idea took special hold in Britain:

[T]his doctrine of averaging risks by means of constitutions, and of keeping kings without returning to anarchy, became deeply ingrained in the people of a small island amid the northern mists who seemed to have a genius for common sense. Out of it arose by many painful processes the famous English Parliamentary system and constitutional monarchy.

Pomp and power were separated, and power underwent division and subdivision, ensuring the rule of law rather than whim. These ideas spread across the globe

<sup>18</sup> “What Good’s a Constitution?” Quoted in Schlesinger, *The Politics of Upheaval*, pp. 495–496.

to the great benefit of mankind; the political forms and institutions to which they gave rise varied, but the fundamental conceptions remained the root from which civilization flourished and spread:

The English conception, wrought by the island nobility from the Magna Charta to the age of Anne, spread over wide portions of the globe. The forms were often varied, but the idea was the same. Sometimes, as in the United States, through historical incidents, an elected functionary replaced the hereditary king, but the idea of the separation of powers between the executive, the assemblies and the courts of law widely spread throughout the world in what we must regard as the great days of the nineteenth century.<sup>19</sup>

The point of “This Age of Government by Great Dictators” is to convey a warning. The story Churchill tells does not end with the “great days of the nineteenth century” in which the continued progress of the world seemed assured. It was just when the progressive faith was at its greatest, when the illusion of mastery over the fortunes of man had taken on its most vibrant hues, that hopes failed: “Then came terrible wars shattering great empires, laying nations low, sweeping away old institutions and ideas with a scourge of molten steel.”

The 20th century did not live up to the promise of progress. The world now learned (or re-learned what had been forgotten) that political change does not necessarily follow any consistent direction. The 19th century thinkers had pinned their hopes on the spread of democratic institutions and principles, believing that, once built, their temples would stand forever; but their mistake was soon to be revealed. Churchill points out

<sup>19</sup> Winston S. Churchill, “This Age of Government by Great Dictators,” in Michael Wolff, ed., *The Collected Essays of Sir Winston Churchill*, Vol. IV, *Churchill at Large* (Bristol: Library of Imperial History, 1976), p. 394.

that democratic regimes are as subject to degradation as any other because they, like other political forms, carry their own dangers with them:

Democracy has been defined as “the association of us all in the leadership of the best.” In practice it does not always work this way. Vast masses of people were invested with the decisive right to vote, while at the same time they had very little leisure to study the questions upon which they must pronounce; and an enormous apparatus for feeding them with propaganda, catchwords and slogans came simultaneously into existence.

Democratic regimes, because they demand the participation of their citizens, demand responsibility from their citizens. When responsibilities are shirked, either because conditions are not favorable to duty or through laziness, the control of the people will become an illusion and, eventually, not even the illusion will remain. Flatterers will sway the people. Demagogues will convince them to surrender their power for safety or comfort. Propagandists will play on their fears. Tyrants will be born:

Alike in fear of anarchy and in vague hopes of future comforts a very large proportion of Europe have yielded themselves to dictatorship. Nations which had either driven out or confined within constitutional limits the old careful kingships of the past, made haste to rally in the parades and processions of a set of violent, wrathful, resourceful, domineering figures cast up by the bloody surge of war and its cruel lacerating recoil. We have entered the age of the dictators.<sup>20</sup>

Thus, the 20th century witnessed a regression in political terms. Nations were again subject to lords, but their new masters wielded power many times greater than the ancient kings. The reader recognizes the spirit

<sup>20</sup> *Ibid.*, pp. 394–395.

of Hitler, Stalin, and Mussolini, but Churchill's warning is for those who have not yet fallen under the yoke of such men, for those countries which imagine themselves immune from such a transformation, including Britain. He warns that whatever political victories may have been won, the danger of tyranny is never finally removed.

### “ROOSEVELT FROM AFAR”

The common political heritage shared by America and Great Britain was the basis for Churchill's appeal for aid from the United States in the early years of the Second World War. The initial success of that appeal had much to do with a personal relationship. Churchill worked very hard at strengthening the bonds with the leader of Britain's greatest ally, and the working friendship between Churchill and President Roosevelt has rightly received a great deal of scholarly attention. But have Churchill's criticisms of FDR been lost or ignored in the shadow of their wartime partnership? The two had their disagreements, even over the conduct of the war, and they certainly did not see eye to eye on dealing with the Soviets with regard to post-war arrangements.

Less well-known and almost completely ignored are Churchill's comments on the political, economic, and social policies Roosevelt pursued in the New Deal. Churchill's critique of the New Deal reflects a concern that even regimes built on the principles of freedom can become corrupted and lose their way. Writing in a period in which dictatorships were thriving, he pointed out that the United States was not immune to the political degradation that was affecting much of the rest of the world. He warned America, in a lesson equally apt today, that the moment of social and economic crisis is also the moment of political danger.

In “Roosevelt from Afar,”<sup>21</sup> Churchill expresses sympathy with and admiration for Roosevelt's desire

to deliver his people from the economic problems that had plagued America since the Great Depression, but the essay has another purpose as well, as he wrote to the editor of *Collier's*: to warn against the possible ill-effects that New Deal programs might bring about. “I have tried to strike a note of warning while at the same time expressing my sincere sympathy with the great effort the President is making,” Churchill writes.

This article was a difficult undertaking. For a statesman to remark on the domestic policies and personalities of another country without exciting resentment or even wrath requires diplomatic skill. We can therefore believe that Churchill was very careful in his writing. We know that he went so far as to leave final judgment to the American editor: “if there are any phrases which you think would cause offence...you are quite at liberty to soften or excise them without reference to me.”<sup>22</sup> Yet despite his caution, “Roosevelt from Afar” does manage to convey serious warnings about America's Depression-era economic and social policies.

Churchill begins by describing the severe economic crisis affecting America and the world, and he expresses admiration for Roosevelt's willingness to take up the challenge:

Although the policies of President Roosevelt are conceived in many respects from a narrow view of American self-interest, the courage, the power and the scale of his effort must enlist the ardent sympathy of every country, and his success could not fail to lift the whole world forward into the sunlight of an easier and more genial age.

Churchill describes Roosevelt's challenges as he arrived at America's highest office at the moment of crisis: “He arrived at the summit of the greatest eco-

<sup>21</sup> Written for *Collier's* in 1934 and included in some editions of *Great Contemporaries*. See Winston S. Churchill, *Great Contemporaries* (University of Chicago Press, 1973). Cited hereafter as *Great Contemporaries*.

<sup>22</sup> Letter of September 13, 1934, in Martin Gilbert, *Winston S. Churchill, Companion Volume 5, Part 2, The Wilderness Years 1929–1935* (New York: Houghton Mifflin, 1981), pp. 870–871.

conomic community in the world at the moment of its extreme embarrassment. Everybody had lost faith in everything." The United States was gripped by desperation. It was a moment of both opportunity and danger. Great or terrible things might be done: "We must never forget that this was the basis from which he started. Supreme power in the Ruler, and a clutching anxiety of scores of millions who demanded and awaited orders." Roosevelt chose to seize direction of the whole scene, and "[s]ince then there has been no lack of orders," writes Churchill. (That is certainly true, given that Roosevelt issued an extraordinary number of executive orders—more than all of his successors through Bill Clinton combined.)

Using a word that must be shocking to Roosevelt apologists, Churchill notes that the President aspired to a very high degree of control: "Although the Dictatorship is veiled by constitutional forms, it is none the less effective. Great things have been done, and greater attempted."<sup>23</sup> But Churchill is very careful to attribute any of Roosevelt's possible excesses to misguided followers rather than to Roosevelt himself. "[T]he President has need to be on his guard," he writes; "[t]o a foreign eye it seems that forces are gathering under his shield which at a certain stage may thrust him into the background and take the lead themselves. If that misfortune were to occur, we should see the not-unfamiliar spectacle of a leader running after his followers to pull them back."<sup>24</sup>

These, however, are the forces that Roosevelt deliberately set loose and encouraged. While Churchill describes them as dangers to "President Roosevelt's valiant and heroic experiments," it is clear from the essay, as well as from the history of the New Deal, that these are in fact dangers arising from those very experiments.

### *The Trade Unionism Threat*

The first great danger Churchill addresses is the rise of trade unionism. Once again, he begins by

<sup>23</sup> *Great Contemporaries*, pp. 373–374.

<sup>24</sup> *Great Contemporaries*, p. 381.

praising Roosevelt for his attempt to reduce unemployment by shortening working hours and thus to spread employment more evenly through the working class:

Thus the Roosevelt adventure claims sympathy and admiration from all of those in England, and in foreign countries, who are convinced that the fixing of a universal measure of value based not upon the rarity or plenty of any single commodity, but conforming to the advancing powers of mankind, is the supreme achievement which at this time lies before the intellect of Man.

But this remark is immediately followed by a warning: "[V]ery considerable misgivings must necessarily arise when a campaign to attack the monetary problem becomes intermingled with, and hampered by, the elaborate processes of social reform and the struggles of class warfare."<sup>25</sup>

Great Britain had much experience with trade unionism, as had Churchill himself. As President of the Board of Trade, Home Secretary, and Chancellor of the Exchequer, Churchill had been involved in shaping government policy toward labor disputes and strikes. The General Strike of 1925–1926, and its political implications in particular, had given Churchill strong negative views on the subject:

[Labor unionism] has introduced a narrowing element into our public life. It has been a keenly-felt impediment to our productive and competitive power. It has become the main foundation of the socialist party, which has ruled the State greatly to its disadvantage, and will assuredly do so again. It reached a climax in a general strike, which if it had been successful would have subverted the Parliamentary constitution of our island.

<sup>25</sup> *Great Contemporaries*, pp. 374–375.

On the other hand, Churchill was willing to admit that the trade unions in Britain had become a stable force in the industrial development of Britain and were, in any case, much better for society than “communist-agitated and totally unorganized labour discontent.”<sup>26</sup>

Churchill’s warning for Roosevelt and America consists in the observation that the development of trade unionism in Britain occurred over a period of some 50 years, allowing time for economic adjustments and the abatement of immediate passions. The New Deal aimed at greatly accelerating this process, which he said posed real dangers: “But when one sees an attempt made within the space of a few months to lift American trade unionism by great heaves and bounds to the position so slowly built up—and even then with much pain and loss—in Great Britain, we cannot help feeling grave doubts.”<sup>27</sup> The conflicts involved in such a transformation, he warns, could “result in a general crippling of that enterprise and flexibility upon which not only the wealth, but the happiness of modern communities depends.”

Nor was this transformation occurring through a careful balancing of the interests of employers, labor, and society as a whole; rather, it was occurring through accelerated government intervention:

Our trade unions have grown to manhood and power amid an enormous network of counter-checks and consequential corrections; and to raise American trade unionism from its previous condition to industrial sovereignty by a few sweeping decrees may easily confront both the trade unions and the United States with problems which for the time being will be at once paralyzing and insoluble.<sup>28</sup>

<sup>26</sup> *Great Contemporaries*, p. 375.

<sup>27</sup> He was to echo this concern in “Roosevelt and the Future of the New Deal,” *The Daily Mail*, April 24, 1935; see Wolff, *The Collected Essays of Sir Winston Churchill*, Vol. II, p. 372.

<sup>28</sup> *Great Contemporaries*, p. 376.

Yet such sweeping decrees are exactly what characterized the New Deal under Roosevelt, as illustrated by the compulsory unionism of the National Industrial Recovery Act (1933) and the National Labor Relations Act (1935).

### *Redistribution*

The second great danger involved in Roosevelt’s experiments is “the disposition to hunt down rich men as if they were noxious beasts.” Churchill notes that this is “a very attractive sport” and one common to societies plagued with economic woes. But economic redistribution through penalties on the wealthy does not benefit a society in the long run because it drains the wellsprings of economic development:

The millionaire or multi-millionaire is a highly economic animal. He sucks up with sponge-like efficiency from all quarters. In this process, far from depriving ordinary people of their earnings, he launches enterprise and carries it through, raises values, and he expands that credit without which on a vast scale no fuller economic life can be opened to the millions. To hunt wealth is not to capture commonwealth.

Moreover, the rich man is elusive prey. It will take time and determined effort to finally bring him to bay and wrench his wealth from him. Until then, it will be squirreled away for protection and so will not be spurring enterprise. The chase may be exciting, but the returns are poor, Churchill argues:

But meanwhile great constructions have crumbled to the ground. Confidence is shaken and enterprise chilled, and the unemployed queue up at the soup-kitchens or march out to the public works with ever growing expense to the taxpayer and nothing more appetizing to take home to their families than the leg or the wing of what was once a millionaire.... It is indispensable to the wealth of nations and to the wage and



life standards of labour, that capital and credit should be honoured and cherished partners in the economic system.

Churchill notes that there is some justification for the anger of the American people against their great leaders of finance but cautions against indulging anger at the cost of destructive economic policy. Given that some abuses exist, the question becomes how to resolve them: “The important question is whether American democracy can clear up scandals and punish improprieties without losing its head, and without injuring the vital impulses of economic enterprise and organization.”<sup>29</sup>

Churchill places this American dilemma in a broader context by pointing out that the U.S. is not the first country to deal with the question of whether “it is better to have equality at the price of poverty, or well-being at the price of inequality.” Churchill lamented the drift toward socialist policies in his own country in the 1920s (and, as pointed out earlier, again in the 1940s), pointing out that these schemes produced little but economic disaster.<sup>30</sup> He did favor government action to ease the pains of the poor in modern industrial society, however. Indeed, his political career is marked by a great concern for social justice, a concern which is echoed in his cautious admiration of FDR.

Ultimately, however, Churchill held that free markets should be allowed to operate without centralized, bureaucratic controls destroying the principle of competition that is the mainspring of economic health.<sup>31</sup> The capitalist system can create concentrations of wealth, since free competition results in inequalities of property, but the removal of reward for investment

and risk will stultify economic development and ultimately harm society as a whole.

Throughout his discussion of the economic choices America faces, Churchill refers to “the Russian alternative”—the nationalization of production, distribution, credit, and exchange to cure the abuses and inequities of the capitalist system. While this is not a choice Churchill recommends, other countries have made it, and it was an option. “It is, however, irrational,” he argues, to take a middle ground between the two systems and “to tear down or cripple the capitalist system without having the fortitude of spirit and ruthlessness of action to create a new communist system.”

Furthermore, Churchill believed that the American people would never willingly accept the “dull brutish servitude of Russia,” though he also believed that a nation can slide into doctrines it would not accept wholesale with open eyes. Choices can sometimes be clearer to outside observers, and Churchill warns that America should not weight the scales against capitalism:

There it seems to foreign observers, lies the big choice of the United States at the present time. If the capitalist system is to continue, with its rights of private property, with its pillars of rent, interest and profit, and the sanctity of contracts recognized and enforced by the State, then it must be given a fair chance.

This means that government should not make it impossible for private business to thrive by suppressing free-market competition: “There are elements of contrivance, of housekeeping, and of taking risks which are essential to all profitable activity. If these are destroyed the capitalist system fails, and some other system must be substituted.”

Given the regulatory activities of the National Recovery Administration, increases in taxes on successful businesses, frequent anti-trust lawsuits, and FDR’s anti-business rhetoric, Churchill’s words can

<sup>29</sup> *Great Contemporaries*, pp. 376–379.

<sup>30</sup> “Socialism,” February 12, 1929, in *Complete Speeches*, Vol. V, pp. 4551–4552: “Show me the parts of the country which at the present time are in the deepest depression, show me the industries which are most laggard, and at the same time you will be showing me the parts where these withering doctrines have won their greatest measure of acceptance.”

<sup>31</sup> See, for example, *Liberalism and the Social Problem* (New York: Haskell House Publishers, 1973; reprint of 1909 ed.), pp. 82–83.

only be read as a rebuke to the New Deal approach to reining in “the vital impulses of economic enterprise and organization.”<sup>32</sup>

## CONCLUSION

Churchill’s critique of the New Deal does not, of course, nullify his admiration for FDR, especially as it developed through what is known as the special relationship in the Second World War. While they had their disagreements, Churchill’s gratitude toward Roosevelt was immense. Speaking in the House of Commons a few days after Roosevelt’s death, he expressed that gratitude not only for himself, but for Britain and for Europe as a whole: “For us, it remains only to say that in Franklin Roosevelt there died the greatest American friend we have ever known, and the greatest champion of freedom who has ever brought help and comfort from the new world to the old.”<sup>33</sup>

<sup>32</sup> *Great Contemporaries*, pp. 379–380.

<sup>33</sup> “President Roosevelt,” April 17, 1945, in *Complete Speeches*, Vol. VII, p. 7141.

The critique does, however, have importance. Written in the context of worldwide collectivist trends which were destructive of freedom, it reveals his opposition to the philosophy of the New Deal as equally dangerous to political and economic liberty. Churchill thought seriously about not only the unity of spirit between Great Britain and the United States, but the ways in which both countries were subject to the dangers of abandoning the supports of law and liberty in times of crisis. Britain and the United States were bound together in the defense of freedom, and Churchill knew that freedom must be guarded internally as well as externally.

—Justin D. Lyons is an Associate Professor in the Department of History and Political Science and an Adjunct Fellow in the John M. Ashbrook Center for Public Affairs at Ashland University. He began his study of Churchill with his dissertation, “Building the Temple of Peace: The Statesmanship of Winston Churchill,” and is working on a book-length study of Churchill as a political thinker.

*This essay was published May 18, 2009.*