

in the magazines

"Is such power [as the U.S. Chief Executive now exercises over war-making] Constitutional? The answer," says Saul K. Padover, "is that it is not patently unconstitutional. There is nothing in the Constitution that says that the President may not wage war abroad at his discretion. The Constitution merely states that only Congress can 'declare' war. But it does not say that a war has to be 'declared' before it can be waged." (*Commonweal*, August 9.)

This and other of the vast powers the Executive wields in matters of foreign policy have created a "situation" that "is not only perilous in itself but it is at variance with the philosophy of American democracy, which, in its governmental aspect is based on the principle of 'checked' and 'balanced' powers. When one of the three coordinate branches of the national government is increasingly preponderant and unchecked, the structure is thrown out of kilter and creates a festering crisis that endangers the whole political system."

To Padover, historian of the American Presidency, "what is needed is not to take power in foreign affairs away from the President — the national security obviously requires that he has it — but to put manageable restraints upon it. What the situation requires is a counter-force to keep the overwhelming power of the Executive in acceptable balance. Only Congress can do that Constitutionally.

"If Congress, especially the Senate, is to restore its eroded powers and reassert its originally assigned role as partner and balancer in foreign affairs, it will have to do it, not through the futility of accusatory speeches or committee reports, but through concrete legislation and institutionalized procedures. In the process, it may well have to reorganize itself. A number of steps come to mind:

"Legislation putting specified limits on the size of forces committed to war abroad when there is no war declaration"; "legislation requiring Congressional authorization for any increase of forces under such circumstances"; "legislation requiring the Executive to consult the Congress before committing sizeable forces abroad"; "legislation requiring a time limit on commitment of forces, subject to Congressional extension, or rescission"; "reorganization of the Foreign Relations and Military Affairs Committees to small and wieldy size, with members making it their full-time occupation"; "setting up joint House-Senate Committees on the basis of continuous operations"; "enlarging the professional and research staffs of those Committees"; "establishing a Congressional Intelligence service, not to compete with the gigantic apparatus available to the Executive (such as the C.I.A.), but sufficiently equipped, trained and skilled to help the Congress evaluate properly the findings

and recommendations of Presidential agencies."

Commentary has printed in its August issue, in somewhat different form, an introductory essay prepared by University of Toronto philosophy professor Emil L. Fackenheim for his forthcoming book, *Quest for Past and Future*. A small portion of "Jewish Faith and the Holocaust" is quoted below:

"... even where the quest for explanation is genuine there is not, and never will be, an adequate explanation. Auschwitz is the scandal of evil for evil's sake, an eruption of demonism without analogy; and the singling-out of Jews, ultimately, is an unparalleled expression of what the rabbis call groundless hate. This is the rock on which throughout eternity all rational explanations will crash and break apart.

"How can a Jew respond to thus having been singled out, and to being singled out even now whenever he tries to bear witness? Resisting rational explanations, Auschwitz will forever resist religious explanations as well. Attempts to find rational causes succeed at least up to a point, and the search for the religious, ideological, social, and economic factors leading to Auschwitz must be relentlessly pressed. In contrast, the search for a purpose in Auschwitz is foredoomed to total failure. Not that good men in their despair have not made the attempt. Good Orthodox Jews have resorted to the ancient 'for our sins are we punished,' but this recourse, unacceptable already to Job, is in this case all the more impossible. A good Christian theologian sees the purpose of Auschwitz in a divine reminder of the sufferings of Christ, but this testifies to a moving sense of desperation — and to an incredible lapse of theological judgment. A good Jewish secularist will connect the Holocaust with the rise of the state of Israel, but while to see a causal connection here is possible and necessary, to see a purpose is intolerable. A total and uncompromising sweep must be made of these and other explanations, all designed to give purpose to Auschwitz. No purpose, religious or non-religious, will ever be found in Auschwitz. The very attempt to find one is blasphemous."

Then, differentiating between seeking a purpose in the Holocaust and seeking a response—"the second is inescapable" — Fackenheim continues: "The ultimate question is: where was God at Auschwitz? . . . Most assuredly no *redeeming* Voice is heard from Auschwitz, or ever will be heard. However, a *commanding* Voice is being heard, and has, however faintly, been heard from the start. . . . At Auschwitz, Jews came face to face with absolute evil. They were and still are singled out by it, but in the midst of it
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they hear an absolute commandment: *Jews are forbidden to grant posthumous victories to Hitler*. They are commanded to survive as Jews, lest the Jewish people perish. They are commanded to remember the victims of Auschwitz, lest their memory perish. They are forbidden to despair of man and his world, and to escape into either cynicism or otherworldliness, lest they cooperate in delivering the world over to the forces of Auschwitz. Finally, they are forbidden to despair of the God of Israel, lest Judaism perish. A secularist Jew cannot make himself believe by a mere act of will, nor can he be commanded to do so; yet he can perform the commandment of Auschwitz. And a religious Jew who has stayed with his God may be forced into new, possibly revolutionary, relationships with Him. One possibility, however, is wholly unthinkable. A Jew may not respond to Hitler's attempt to destroy Judaism by himself cooperating with its destruction. . . .

Student riots, both here and abroad, reflect "a widespread alienation from the contemporary society — the feeling of being lost in an immense, impersonal, inhuman, mechanical society, with no individual challenge, and no personal involvement in sight," writes *Bulletin of the Atomic Scientists'* editor, Eugene Rabinowitch, in the September issue of the journal. Yet many of the "intellectual rebels" of today "seek answers to the evils of the technological society in a return to less organized, more individualistic ways of economic and political life . . ." rather than calling "for concerted, imaginative application of forces released by science and technology to the advancement of human needs," which requires "radical adaptation of traditional social and political institutions to the realities of the scientific age." And instead of directing "their protest at the true source of this insecurity and irrationality — the worldwide 'establishment' of national states," they "rebel against weaknesses or faults of their individual societies and establishments. . . . They fail to see the main source of trouble in the pre-scientific state of international anarchy and conflicts, once justified by limitations of natural wealth (making fighting between classes and nations for a greater share of this wealth inevitable), but now made obsolete by man's new, immense capacity to create wealth by constructive technological effort."

To Rabinowitch "the threat to survival of the coming generations of Americans, Russians, French, or Chinese lies not in the deficiencies of their respective political and economic systems, but in the continued existence of all of them as self-centered, 'sovereign' units, applying their greatest efforts to combatting each other. . . .

"If youth were rebelling against national insulation and isolation; if it were clamoring for transfer of responsibility, power, and influence from national to international organizations, such as the United Nations or the World Court; if they were rallying to the support of international organization of workers, scholars, or churches; if they were calling for acceptance of greater responsibility by the rich nations for the economic advancement of the poor ones, then they would be fighting in alliance with the evolutionary forces of our time, toward the emergence of a new order, in which the survival of mankind, if not assured, would be at least not impossible. But there is, at least as yet, no sign of rallying of youth to meet this crucial challenge.

"Trying to smash the contemporary technological civilization in the hope (voiced by some student leaders in Europe and America), that in the very process of this destruction more satisfactory institutions and more humane ways of living will emerge, offers no hope. It is a sentimental counterrevolution, rather than the desperately needed rational revolution. . . .

"The remarkable coincidence of student riots in the United States, Germany, France, Italy, Yugoslavia, Spain, Latin America, and Asia shows that there is enough rapport among the youth of all continents to make a concerted, constructive action — of which visionaries have so often dreamed in the past — more than an idle dream now."

In other periodicals:

"Non-Violence in the Talmud," Reuven Kimelman, *Judaism*, Summer 1968. The author's investigation is divided into three parts — "response to enmity," "response to intent to inflict injury," "response to persecution" — as illustrated in Palestinian Talmudic sources from the middle third through the early fourth century. "This period," Kimelman notes, "is particularly suited for our purpose, for while religious persecution was on the wane political oppression was gaining ascendancy."

"Protest in Moscow," Paul A. Smith, Jr., *Foreign Affairs*, October 1968. ". . . to argue that Ginzburg's conviction was legal means arguing, in effect, that the great legal reforms of 1958 and after do not mean progress away from authoritarian rule and toward Western concepts of civil liberties. On the contrary, the effect of the emphasis on legality is to make easier the codification and rationalization of power by an orthodox and conservative oligarchy. In other words, the trend is toward authority, but not toward arbitrariness. The leadership is to provide justice, by its standards, without permitting dissent or other manifestations of democracy." PAMPHILUS