

CURRICULUM VITAE

NAME *Leibholz, Hermann Gerhard*

DATE OF BIRTH *1901*

NATIONALITY *German*

FAMILY *married, 2 children*

FIELD *Public and International Law*

ACADEMIC POSTS HELD

July 1 - Nov 1 1928 Privatdozent University of Berlin

1928 - 31 Professor University of Greifswald

1931 - 35 Professor Univ. of Göttingen

PUBLICATIONS AND OTHER ACHIEVEMENTS

LANGUAGES

REFERENCES

PRESENT ADDRESS

ADDITIONAL REMARKS

Curriculum Vitae.

I, Hermann Gerhard Leibholz was born on the 15th of November, 1901, in Verlin-Charlottenburg, as the son of the Stadtrat and director of the Lichtenberger Wool-factory, William Leibholz, from Bärwalde in Pommerania and his wife, née Netter, from Bühl in Baden and was baptised in the evangelical Christien Church.

From April 1908 I attended the humanistic Mommsen-Gymnasium in Berlin-Charlottenburg, leaving in Febr. 1919. I then studied Law, Political Economy and Philosophy at the Universities of Berlin and Heidelberg till 1922. In July 1921, I took the degree of Doctor of Philosophy in Heidelberg and in Nov. 1924 that of Doctor of Law in Berlin. In addition I was appointed Referendar in Aug. 1922 and, after completing my three years Training in the service of the law court, was nominated Assessor in April 1926.

From April 1st to Oct. 1st, 1926, I was employed as Assistant-Judge in Civil and criminal cases in the Amtsgericht Berlin-Mitte. From Oct. 1st, 1926, to Nov. 15th, 1929, I was given leave of absence to serve as scientific reporter to the Institute for foreign public law and International Law, department of the Kaiser-Wilhelm Gesellschaft in the Berlin. In this capacity I assisted in conducting the course of study for attachés of the Foreign Office.

In July 1928 I joined the staff of Berlin University as Privatdozent for Public and International Law, and was nominated Amts- and Landrichter in the Nov. of that year.

On Nov. 1st, 1928, I was called to the professorial chair of public Law in Greifswald University, where I remained till Oct. 1st, 1931. From that date to April -st, 1935, I occupied a similar position as professor of p[ublic] law in the faculty of law and political science of the University of Göttingen. In this period as previously in Greifswald, I was director of the legal seminar.

On Dec. 31st, 1935, I was released from my chair and from my other official duties, ^{as a Christian-Non-aryan} ~~on my request~~ in the sense of the new German laws. Since then I have devoted myself to scientific work only in my private capacity.

My lectures and literary work have been devoted to the theory of the state and of constitutional law, to German public law, and also to foreign public law.

I am a member of the Institut de Philosophie du Droit et de Sociologie juridique and corresponding associate of the Istituto di Studi legislativi in Rome. I am also a member of the learned Luther Gesellschaft of Greifswald.

On April 6th, 1926, I married Sabine Bonhoeffer, daughter of Carl Bonhoeffer, Professor of Psychiatry and Neurology of the University of Berlin and of his wife Paula, née von Hase. I am the father of two daughters, aged 19 and 9.

H. G. Leibholz

LIST OF PUBLISHED WORKS.

I. Books.

1. Fichte und der demokratische Gedanke. 1921. Vergriffen. 100 Seiten.
2. Die Gleichheit vor dem Gesetz. Eine Studie auf rechtsvergleichender und rechtsphilosophischer Grundlage. Heft 6 der Oeffentl. Rechtlichen Abhandlungen, herausgegeben von Triepel, Kaufmann, Smend. 181 Seiten. 1925; dazu Selbstanzeige in Zeitschr. f. Oeffentl. Recht. Bd. IV. (1925).
3. Zu den Problemen des faschistischen Verfassungsrechtes; H. 11 der Beiträge z. ausl. öff. Recht und Völkerrecht. 80 Seiten und 32 Seiten Anhang. 1928.
4. Das Wesen der Repräsentation unter besonderer Berücksichtigung des Repräsentativsystems. Ein Beitrag zur allgemeinen Staats- und Verfassungslehre. H. 13 der Beiträge zum ausl. öff. Recht und Völkerrecht. 214 Seiten. 1929.
5. Die Auflösung der liberalen Demokratie in Deutschland und das autoritäre Staatsbild. 1933.

II. Articles in languages other than German:

1. La structure de l'Etat fasciste in Documents de la Vie Intellectuelle. Bd.II. S.420-461. 1930.
2. Soucasny ztav Némecké védy o Statnim pravi in Moderni Stat. 1931. Bd.4 S.63-71. 1931.
3. La Formazione dei Concetti nel Diritto pubblico in Rivista Internazionale di Filosofia del Diritto. Bd.XI. S.259-279. 1931.
4. Les Tendances actuelles de la Doctrine du Droit public en Allemagne in Archives de Philosophie du Droit et de Sociologie Juridique. 1931. Bd.I. S.207-224.
5. Das Vorhergehende (bulgaro) in Archives Juridiques. Bd.II (1931) S.329-349.
6. Den Tyska Statsrättslärans Nuvarande Stallning in Statsvetenskaplig Tidskrift. Bd.34 (1931). S.215-232. 1931.
7. Das Vorhergehende giapponese in Hôgaku-Sirin. Bd.33. (1931) H.8. p.929-964.
8. Tendencias actuales de la doctrina del Derecho publico en Alemania in Revista General Legislacion y Jurisprudencia. 1931. Bd.159. S.545-564.
9. Demokracie a volebni pravo in Moderni Stat. 1932.
10. Das Vorhergehende bulgaro in Archives Juridiques. Bd.III. 1932. S.317-340.
11. Demokrati och Valrätt in Statsvetenskaplig Tidskrift. 1932. H.2. S.111-131.
12. Synchronos Germaniké Epistéme toû politeiakou dekaion in Archeion Philosophias kai Theorias tôn epistémôn. 1932. S.345-374.
13. Les Tendances actuelles de la Doctrine du Droit public en Allemagne in Revista de Droit public. Bd.VII (1932). S.15-34.
14. Democracia y Derecho electoral in der Revista General de legislacion y jurisprudencia. Jahrg.81. Bd.161. H.2. (1932) S.155-180.
15. Demokracia és választéjog in Magyar jogasegyeleti Ertekezések és Egyéb Tanulmányok. 1933. S.239-255.

16. La Démocratie et le Droit électoral in Hôgaku-Sirin (giapponese) Bd.35 (1935 S.922-944 und 1077-1092).
17. Przeobrazenia Parlamentarnego Prawa Wyborszego w Demokracjach w polczesnych in Nowe Panstwo. 1935. vol.4.
18. La diffusione del pensiero fascista in Germania in Pagine della Dante (1936) vol.46. p.3-4.
19. The nature of Democracy and its Outward Form in The Kokka Gakkai Zasshi. vol.50. Heft 4. p.28 und H.5 p.14 1936. (giapponese).
20. El contenido de la democracia y las distintas formas en que se manifiesta in der Revista General de Legislacion y Jurisprudencia. Bd.168. Mahrg.85. p.657-692. 1936.
21. Das Vorhergehende in Archives Juridiques (bulgaro) ~~XXXX~~ Bd.7 (1933) p.1-28.
22. Demokrasi'nin mahiyeti ve muhtelif tezahür şekilleri in Istanbul Univertesi Fakultesi mecmasi. Vol.2. 1936. p.189-214.
23. Istota i Rozmaitosc form Demokracji in Ruch Prawniczy, ekonomiczny i socjologiczny. 1936. Bd.16. p.275-297.
24. La Nature et les Formes de la Démocratie in Archives de Philosophie du Droit et de Sociologie Juridique. 1936. (1937) VI. p.126-147.
25. Podstata demokracie a ruzné formy, ve kterych se projevuje in Moderné Stat. 1936. p.1-6. 29-38.
26. Der totale Staat der Gegenwart und die politischen Ideen des 19.Jahrhunderts im Archiv für Philosophie und Theorie der Wissenschaften (grec 1937. p.239-282).
27. Il secolo XIX e lo Stato totalitario del presente in Rivista internazionale di filosofia del Diritto. Bd.XVIII. p.1-40.
28. La Nature et les Formes de la Démocratie in Revista de Droit public XII. p.424-448. 1937.
29. Der antiliberale Charakter der modernen totalen Staaten in Archives Juridiques (bulgaro) 1937. vol.9. p.3-19.
30. Hokukun gayesi in Hukuk Fakultesi mecumasi III. H.12. p.515-534. 1937.
31. The Nature and various Forms of Democracy in Social Research 1938 V. p.84-100.

32. Le But du Droit: Bien Commun, Justice, Sécurité in Annuaire de l'Institut International de Philosophie du Droit III (1938) p.75-88.
33. Syndicalisme, Corporatisme et Etat corporatif in Revue du Droit public et de la Science politique en France et à l'Etranger 1939. vol.56. p.65-79.

III. Articles and pointed lectures on national and international law, with contributions to dictionaries and encyclopaedias.

1. Art. Kabelrecht i. Wörterbuch des Völkerrechts und der Diplomatie, herausgegeben von Strupp. Bd. I, S. 607-610. 1924.
2. Art. Sklavenhandel i. Wörterbuch des Völkerrechts und der Diplomatie, herausgegeben von Strupp. Bd. II. S. 542-545. 1925.
3. Art. Staatsangehörigkeit und Naturalisation, ebenda Bd. II S. 588-595. 1936.
4. Art. Sujets mixtes. ebenda. Bd. II. S. 698-699. 1925.
5. Verletzung der Rechtsgleichheit. Bemerk. z. Urteil d. Schweizer Bundesgerichts v. 18. V. 1923 in Verwaltungsarchiv. Bd. 31. S. 234-236. 1926.
6. Art. Staatsangehörigkeit und Friedensvertrag in Wörterbuch des Völkerrechts und der Diplomatie. Bd. III. S. 122-128. 1927.
7. Die Gleichheit vor dem Gesetz. Ein Nachwort zur Auslegung des Art. 109, Abs. 1 RV in Archiv d. öffentl. Rechts. NF. Bd. 12. S. 1-36. 1927.
8. Art. 109 Abs. 1 RV. und die Biersteuerentscheidung des Staatsgerichtshofes. in D. Jur. Zeitung Bd. 34. Sp. 1119-1120 1929.
9. Gleichheit und Allgemeinheit der Verhältniswahl nach der Reichsverfassung und die Rechtsprechung des Staatsgerichtshofs. Jur. Woch. 58. III. 1929. S. 3042-3045.
- 10: Das Verbot der Willkür und des Ermessensmissbrauchs im völkerrechtlichen Verkehr der Staaten in Zeitschr. für ausl. öff. Recht und Völkerrecht. Bd. I. S. 77-125. 1929.
11. Uebersicht über die Zuständigkeit der Landesparlamente im Handbuch des deutschen Staatsrechts. herausgegeben von Anschütz und Thoma. Bd. I. S. 630-642. 1930.
12. Reichsregierung und Reichsministergesetz i. D. Jur. Zeitg. Bd. 35 Sp. 1349-1351. 1930.
13. Höchstrichterliche Rechtsprechung und Gleichheitssatz in Archiv des öffentl. Rechts NF. Bd. 19. S. 428-442. 1930.

14. Zur Begriffsbildung im öffentlichen Recht i.d. Blättern für deutsche Philosophie. Bd.V. H.2/3. S.175-189. 1931.
15. Begründet der in den verschiedenen Verfassungen enthaltene Satz der Gleichheit aller vor dem Gesetz subjektive öffentliche Rechte? in den Verhandlungen des V.Deutschen Juristentages in der Tschechoslowakei. 1931. V. S.350-357.
16. Regierung und Parlament im Preuss.und Reichsverwaltungsblatt 1932. Bd.53. S.21-24.
17. Die Wahlrechtsreform und ihre Grundlagen, in Veröffentlichungen der Vereinigung der deutschen Staatsrechtslehrer. Bd.7. (1932). S.158-190. 199-201.
18. Die Verfassungsdruchbrechung im Archiv des öffentl.Rechts NF. Bd.22 S.1-26. 1932.
19. Der Abschluss und die Transformation von Staatsverträgen in Italien in Zeitschr.f.Völkerrecht. ~~Bd.XVI~~ Bd.XVI. (1932). S.353-376.
20. Die Wahlreform im Rahmen der Verfassungsreform im Reichs- und Preuss.Verwaltungsblatt 1932. Bd.53. S.927-930.
21. Der Junge Rechtsgelehrte 1932 p.193-195 (Demokratie und Wahlrecht); 1933 p.305-309 (Die Auflösung der liberalen Demokratie und das autoritäre Staatsbild); 1934 p.321-324 (Zur Problematik des berufsständischen Staatsgedankens); 1936. p.193-198 (Der Zweck des Rechtes).
22. Parlamentarische Demokratie und Wahlrecht in der Festgabe für Professor P.Negulescu (1933).
23. Zur Theorie des Faschismus im Archiv für Rechts- und Wirtschaftsphilosophie. Bd.28 (1936). p.570-576.
24. Der Zweck des Rechtes in Prager Juristische Zeitschrift Bd.XVII. (1937). Sp.481-490.
25. Die Problematik des berufsständischen Staatsgedankens (neue wiederum erweiterte Fassung) in Schweizer Juristenzeitung. Bd.33 (1937). p.372-375.

IV. Miscellaneous Articles.

1. Namensrecht und Personendarstellung in der D.Jur.Zeitung. Bd.30. Spalte 1426-1428. 1925.
2. Aufwertung und vorbehaltlose Zahlungsannahme. in Jur.Rundschau vom 15. Februar 1926.
3. Zum Begriff der Vereinbarung im Sinne des § 67 Aufwertungsgesetzes i. Deutsche Steuerzeitung. Bd.XV. Spalte 565-5 2. 1926.
4. Juristische Studienreform und Akademische Lehrfreiheit in "Die Hilfe" Bd.36. S.858-862. 1930.
5. Holstein und die deutsche Staatsrechtslehre. in Günther Holstein Erinnerungsheft. S.13-18. 1931.

V. Critical Essays on legal and sociological Works.

1. Besprechung von Rümelin, Die Gleichheit vor dem Gesetz im Archiv für Rechts- und Wirtschaftsphilosophie. Bd.22 S.489-495; vergl. auch Verwaltungsarchiv Bd.34. S.267. 1929.
2. Besprechung von Emil Gerber, Der Staatstheoretische Begriff der Repräsentation in Deutschland zwischen Wiener Kongress und Märzrevolution i.Jur.Wochenschr.58. II. 1929. S.2320.
3. Besprechung von Seidler, Grundzüge des allgemeinen Staatsrechts i.Archiv für Sozialwissenschaft und Sozialpolitik. Bd.62. S.217-220. 1929.
4. Besprechung von Schubert, Völkerbund und Staatssouveränität in der Jur.Wochenschr.58, III. 1929. S.3469.
5. Besprechung von Mainzer, Gleichheit vor dem Gesetz, Gerechtigkeit und Recht, im Archiv des Oeffentl.Rechts. Bd.18 NF. S.254-260, 1930. vergl. auch Deutsche Literaturzeitung H.14 (1930).
6. Besprechung von Delos, La Société internationale et les Principes du Droit public i.Archiv d.Oeffentl.Rechts. NF. Bd.19. S.312-322. 1930.
7. Besprechung von Jökel, Hans Kelsens rechtstheoretische Methode i.d.Deutschen Juristenzeitung. Bd.36 (1931). Sp.717.
8. Besprechung von Gerland, Der Rechtsschutz gegen politische Unehrllichkeiten im Zentralblatt für die juristische Praxis. 1931. Bd.49. S.682-684.
9. Besprechung von Hans Kelsen, Der Staat als Integration in der Juristischen Wochenschrift. Bd.61 (1932). S.3754-3755.
10. Besprechung von Braunias, Das parlamentarische Wahlrecht. 1932. Bd.I, in Jur.Blätter. Bd.62. S.678.
11. Besprechung von Hold-Ferneck, Lehrbuch des Völkerrechts. Bd.II in Deutscher Literaturzeitung 1934. Bg.1000-1002.
12. Besprechung von Lo Verde, Die Lehre vom Staate im neuen Italien in Zeitschr.für internationales Recht. 1935. S.166-169.
13. Besprechung von Stavenhagen, Das Wesen der Nation. 1934. in Göttingische Gelehrte Anzeigen unter der Aufsicht der Gesellschaft der Wissenschaften. 1935.

14. Besprechung von Koschembahr-Lyskowski, Les Dispositions de la Loi et le Droit. 1936. p.162-165. vol.198.
15. Besprechung von Treves. Il Fondamento Filosofico della Dottrina pura di Hans Kelsen in Archiv für Rechts- und Sozialphilosophie. Bd.29. (1936). p.532.
16. Besprechung von Ferri. Sui caratteri giuridici del regime totalitario in Revue internationale de la théorie du Droit. Bd.XII. Cap.1.

Mit sehr freundlichen Grüßen als Anlage zum
Brief v. 22. Oktober. Ihr ergebener
22/11.
G. Gebauer

This list came just in my possession
and I enclose it therefore.
Friedrich

List of Published Works.

I. Books:

1. Fichte und der demokratische Gedanke. 1921. Vergriffen
100 Seiten
2. Die Gleichheit vor dem Gesetz. Eine Studie auf rechts-
vergleichender und rechtsphilosophischer Grundlage.
Heft 6 der Öffentl. Rechtlichen Abhandlungen, herausge-
geben von Triepel, Kaufmann, Smend. 161 S. 1925; dazu
Selbstanzeige i. Zeitschrift für Öffentl. Recht Bd. IV.
(1925)
3. Zu den Problemen des faschistischen Verfassungsrechts;
H. 11 d. Beiträge z. ausl. öff. Recht und Völkerrecht
80 Seiten und 32 Seiten Anhang, 1928
4. Das Wesen der Repräsentation unter besonderer Berück-
sichtigung des Repräsentativsystems. Ein Beitrag zur
allgemeinen Staats- und Verfassungslehre. H. 13 d. Bei-
träge zum ausl. öff. Recht und Völkerrecht. 214 S. 1929
5. Die Auflösung der liberalen Demokratie in Deutschland
~~und autoritäre Staatsbildung~~. 1933

In preparation

Germany, the West and the future international order

Christianity and the international order

The Theory of Democracy

II. Articles in Languages other than German:

1. La structure de l'Etat fasciste i. Documents de la Vie Intellectuelle. Bd.II. S.420-461. 1930
2. Soucasný stav německé vedy o statním právu in Moderní Stat. 1931, Bd.4 S.63-71. 1931
3. La Formazione dei Concetti nel Diritto pubblico in Rivista Internazionale di Filosofia del Diritto Bd.XI. S.269-279. 1931
4. Les Tendances actuelles de la doctrine du droit publique en Allemagne in Archives de Philosophie du Droit et de Sociologie Juridique. 1931. Bd.I S.207-224. 1931
5. Das Vorhergehende (bulgarisch) in Archives Juridiques. Bd.II (1931) S.329-349
6. Den Tyska Statsrättsläbens Nuverande ställning in Statsvetenskaplig Tidskrift. Bd.34 (1931) S.215-232, 1931
7. Das Vorhergehende japanisch in Hôgaku-Sirin. Bd.33 S.929-964, 1931
8. Tendencias actualis de la doctrina del Derecho publico en alemania in Revista general Legislacion y Jurisprudencia 1931. Bd.159 S.545-564
9. Demokracie a volební právo in Moderní Stát. 1932 (H.4) S.93-102 Bd.5
10. Das Vorhergehende bulgarisch in Archives Juridiques Bd.III 1931, S.317-340
11. Demokrati och Valrätt in Statsvetenskaplig Tidskrift. 1932 H.2 S.111-131
12. Synchronos germaniké epistéeme toû politeiakou dikaiou in Archeion Philosophias kai Theorias tôn epistémon. 1932 S.345-374
13. Les Tendances actuelles de la doctrine du Droit publique en Allemagne in Revista de Drept public. Bd.VII (1932) S.15-34
14. Democracia Y Derecho electoral in der Revista general de legislacion y jurisprudencia. Jahrg.81, Bd.161, H.2. (1932) S.155-180

15. Democrácia es választajág in Magyar jogászegyleti értekezések és egyéb tanulmányok. 1933 S.239-255
16. La Démocratie et le Droit électoral in Hôgaku Sirin (japanisch) Bd.35 (1935 S.922-944 und 1077-1092).
17. Przeobrazenia parlamentarnego prawa wyborczego w demokracjach wspolczesnych in Nowe Panstwo 1935 vol.4 p.53-62
18. La diffusione del pensiero fascista in Germania in Pagine della Danta (1936) vol.46. p.3-4
19. The nature of Democracy and its Outward Form in The Kokka Gakka Zasshi vol.50 Heft 4 28. p. u. H.5, 14. p. 1936
20. El contenido de la democracia y las distintas formas en que se manifiesta in der Revista general de legislacion y jurisprudenci Bd.168, Jahrg.85. p.657-692. 1936
21. Das Vorhergehende in Archives juridiques (bulgarisch) Bd.7 (1935) p.1-28
22. Demokrasî'nin mahiyeti ve muhtelif tezahür şekilleri in Istanbul Univertesi Hukuk Fakultesi mecmnasi Vol.2. 1936 p.189-214
23. Istota i rozmaite form demokracji in Ruch Prawniczy, ekonomiczny i socyologiczny 1936 Bd.16 p.275-297
24. La nature et les formes de la Démocratie in Archives de Philosophie du Droit et de Sociologie juridique 1936 (1937) VI. p.126-147
25. Podstata demokracze a reizné formy ve kteryh se projevuje in Moderni Stát 1937 p.1-6, 29-38
26. Der totale Staat der Gegenwart und die politischen Ideen des 19.Jahrhunderts im Archiv für Philosophie und Theorie der Wissenschaften (griechisch 1937 p.239-282)
27. Il secolo XIX e la Stato totalitario del presente in Rivista internazionale di filosofia del Diritto Bd.XVIII p.1-40
28. La nature et les formes de la démocratie in Revista de Drept public XII p.424-449
29. Der antiliberale Charakter der modernen totalen Staaten in Archives juridiques 1937 vol.9 p.16
30. Hukukum gayesi i. Hukuk Fakultesi mecumasi III.H.12. p.515-534
31. The nature and various forms of democracy in Social research 1938 V. p.84-100
32. Le But Du Droit: Bien Commun, Justice, Sécurité i. Annuaire de l'Institut Intern. de Phil. du Droit III (1938) 75-88

3a.

33. Syndicalisme, Corporatisme et Etat Corporatif in Revue du Droit public et de la Science politique en France et à l'Etranger 1939 p.65-79.

34. Nationalsocialisme and the Church in the Contemporary review 1939 October issue

III. Articles and Pointed Lectures on National and International

Law with Contributions to Dictionaries and Encyclopedias.

1. Art. Kabelrecht i. Wörterbuch des Völkerrechts und der Diplomatie, herausgegeben von Strupp, Bd.I. S.607-610 1924.
2. Art. Sklavenhandel i. Wörterbuch des Völkerrechts und der Diplomatie, herausgegeben von Strupp, Bd.II S.542-545. 1925
3. Art. Staatsangehörigkeit und Naturalisation, ebenda Bd.II S.588-595. 1935
4. Art. Sujets mixtes, ebenda, Bd.II S.698-699. 1925
5. Verletzung der Rechtsgleichheit. Bemerk. z. Urteil d. Schweizer Bundesgerichts vom 18.V.1923 i. Verwaltungsarchiv, Bd.31 S.234-236. 1926
6. Art. Staatsangehörigkeit und Friedensvertrag in Wörterbuch des Völkerrechts und der Diplomatie Bd.III S.122-128, 1926
7. Die Gleichheit vor dem Gesetz. Ein Nachwort zur Auslegung des Art.109, Abs.1 R.V. i. Archiv d. öffentl. Rechts NF. Bd.12, S.1-36. 1927
8. Art.109, Abs.1 R.Verf. und die Biersteuerentscheidung des Staatsgerichtshofs i. D.Jur.Zeitung Bd.34 Sp.1119-1120, 1929
9. Gleichheit und Allgemeinheit der Verhältniswahl nach der Reichsverf. und die Rechtsprechung des Staatsgerichtshofs. Jur.Woch. 58, III. 1929 S.3042-3045
10. Das Verbot der Willkür und des Ermessensmißbrauchs im völkerrechtlichen Verkehr der Staaten in Zeitschr. für ausl. öff. Recht und Völkerrecht. Bd.I S.77-125. 1929
11. Übersicht über die Zuständigkeit der Landesparlamente im Handbuch des deutschen Staatsrechts, herausg. von Anschütz und Thome, Bd.I. S.630-642. 1930
12. Reichsregierung und Reichsministergesetz i. D.Jur.Zeitg. Bd.35, Sp.1349-1351. 1930
13. Höchstrichterliche Rechtsprechung und Gleichheitssatz i. Archiv des Öffentl. Rechts NF. Bd.19 S.428-442. 1930
14. Zur Begriffsbildung im öffentlichen Recht i.d. Blättern für deutsche Philosophie Bd.V H.2/3 S.175-189. 1931

15. Begründet der in den verschiedenen Verfassungen enthaltene Satz der Gleichheit aller vor dem Gesetz subjektive öffentliche Rechte? in den Verhandlungen des V. Deutschen Juristentags in der Tschechoslowakei. 1931. V. S.350-367, 383-385
16. Regierung und Parlament im Preuss. und Reichsverwaltungsblatt 1932, Bd.53 S.21-24
17. Die Wahlrechtsreform und ihre Grundlagen in Veröffentlichungen der Vereinigung der deutschen Staatsrechtslehrer H.7 (1932) S.158-190, 199-201
18. Die Verfassungsdurchbrechung im Archiv des Öffentl.Rechts NF. Bd.21 S.1-26. 1932
19. Der Abschluß und die Transformation von Staatsverträgen in Italien in Zeitschr. für Völkerrecht Bd.XVI.(1932) S.353-376
20. Die Wahlreform im Rahmen der Verfassungsreform im Reichs- und Preuss. Verwaltungsblatt 1932, Bd.53, S.927-930
21. Zur Problematik des berufsständischen Staatsgedankens in Der Junge Rechtsgelehrte, 1934, Bd.10 S.321-324
22. Parlamentarische Demokratie und Wahlrecht in der Festgabe für Professor P. Negulescu (1935)
23. Zur Theorie des Faschismus i. Archiv für Rechts- und Wirtschaftsphilosophie Bd.28 (1935) p.570-576
24. Der Zweck des Rechtes in Prager Juristische Zeitschrift Bd.XVII (1937) Sp.481-490
25. Die Problematik des berufsständischen Staatsgedankens (neue wiederum erweiterte Fassung) i. Schweizer Juristenzeitung Bd.33 (1937) p.372-375

IV. Miscellaneous Articles.

1. Namensrecht und Personendarstellung in der D.Jur.Zeitung
Bd.30 Spalte 1426-1428, 1925
2. Aufwertung und vorbehaltlose Zahlungsannahme.
in Jur.Rundschau vom 15. Februar 1926
3. Zum Begriff der Vereinbarung im Sinne des § 67 Auf-
wertungsgesetzes i. Deutsche Steuerzeitung Bd.XV.
Spalte 565-568. 1926
4. Juristische Studienreform und Akademische Lehrfreiheit
in "Die Hilfe" Bd.36, S.858-862, 1930
5. Holstein und die deutsche Staatsrechtslehre.
i. Günther Holstein Erinnerungsheft. S.13-18, 1931.

V. Critical Essays on Legal and Sociological Works.

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H. G. Leibholz

Exposé.

To re-submit the Problem of Democracy to discussion and to re-examine its principles is of eminent importance even for practical politics to-day, and that for many reasons.

Above all it is necessary to elucidate the question of whether the traditional classical liberal democracy is the sole form in which democracy can be conceived as organizing itself, or whether other forms, not of the liberal type, exist, or at least could exist, in addition to liberal democracy. In order to discuss this question, the observer must exclude his own personal attitude, more or less liberal, socialistic or conservative. So too the question of the political or cultural value to be attributed to the various forms of democracy in existence, with that of liberal democracy at their head, must be held firmly apart from the question proposed for investigation.

Should the investigation show that there are, or at least may be, democracies not of the liberal type, this conclusion would give rise to two other questions of fundamental importance. Firstly it would have to be made clear at what point, through the introduction of authoritarian forms and methods of the government, liberal democracy would cease to be liberal, and secondly, at what point this liberal democracy would lose all claim to be described as a democracy.

Examination of the first question - how far liberal democracy can go without losing its liberal democratic character - would presuppose an analysis of the liberal concept of freedom: whether this liberal concept of freedom has an invariable content determined a priori, or its content be susceptible of modification within certain limits; and how far in a given case, this concept can be more exactly determined (interpreted) under contemporary conditions.

In this connexion, a consideration of the foundations of democracy in the 20th century would reveal clearly the values on which the great liberal democracies of today are based. A fresh exposition of the political metaphysics of liberal democracies is all the more urgent today because the contemporary totalitarian states (including Russia) though differing in form from one another, are alike in this, that they all claim in their political ideologies to be themselves defenders of the "true democracy" against the degenerate liberal democracies of the West. The refutation of this ideological contrast "Democracy versus Liberalism" which will undoubtedly be of increasing propagandist importance for the totalitarian states in the future, can,

in my judgement, be successful only on the basis of a discussion of fundamentals. Also in this connexion it would be necessary to inquire in what relation the various political types of democracy stands to the various economic types of democracy. If one distinguishes here between the capitalistic, the nationally-planned, and the socialistic democracies, the question naturally arises whether, for instance, liberal democracy is only the political expression of a more or less ~~capitalistic~~ democracy and authoritarian democracy of liberal type and a liberal democracy of authoritarian type also theoretically possible, and are they practicable in the concrete conditions of today? A fundamental elucidation of the relation between economics and politics could not be neglected, and especially of the question whether the political as such and particularly the political of today, exists, as does the economic, in its own right, or is only the form in which the present dominant economic forces find their expression. That such an investigation would have important bearings, one way or another according to its results, on the questions of marxism, is too obvious to require special emphasis.

Another important inquiry is closely connected with this problem complex, viz. what social class comes to power in each of the various forms of democracy. In general the 19th and 20th centuries are characterized sociologically by the increasing political emancipation of the lower classes. The traditional liberal democracy with its ruling middle class, was not able to escape this process. The process of political emancipation shows itself here above all in a strengthening of the radical democratic, as against the purely liberal, tendency. The history of the franchise, the greater preponderance of the parties, the political sociological change in the position of the Parliament, are unambiguous signs of this shifting of the centre of gravity to the radical democratic side. What alone is remarkable here is that the great liberal democracies and their ruling classes have so far succeeded not only in supporting this process of political emancipation but also in maintaining their traditional liberal culture notwithstanding. In contrast to this, in the totalitarian states the previously ruling classes have been politically dispossessed by the lower middle- and proletarian classes, and their economic dispossession is likely to follow. The struggle against the Jews, the churches and the great bourgeois organisations under suspicion of internationalism, develops

III.

on this social background. The totalitarian states, whether they intend or not, will be unable in the long run to escape this process of further radical democratization. They find themselves compelled to take measures which, in spite of their declared anti-liberal character need not necessarily be antidemocratic. To investigate these more closely must be concern to the great liberal democracies of today. The authoritarian states, i.e. the states which politically and sociologically are intermediate between the liberal democracies and the totalitarian states of today, must be included in the subject-matter of such an investigation. These authoritarian states may claim special attention because they combine, or at least are engaged in the interesting experiment of attempting to combine, the traditional values of civilization with new forms of political expression.

In this exposé only a few questions are touched on, but they are, as it seems to me, very important questions and such as, on grounds of practical politics, demand a closer scientific analysis. The very extensive literature on democracy which is available, has touches only incidentally on this whole question and, if I am not mistaken, has so far offered no satisfactory solution of it.

H. G. Leibholz

P l a n

The Problem of Democracy in the Twentieth Century

Introduction: The new questions of the 20th century

First Section: The conception and essence of democracy

Chapter one: Democracy and equality

§ 1: Equality as an essential of democracy

§ 2: The problem of the democratic conception of democracy

§ 3: The concrete historical form of the democratic conception of equality

1) in antiquity

2) in the 19th century

3) in the 20th century

a) especially on the European Continent

b) especially in the Anglo-Saxon States

1. Great Britain

2. The U.S.A.

Chapter two: Democracy and liberty

§ 1: Liberty as the essential of democracy

§ 2: The problem of the democratic conception of liberty

§ 3: The concrete historical form of the rights of man and liberty

1) in antiquity

2) in the 19th century

3) in the first decades of the 20th century

a) especially on the European Continent

b) in the Anglo-Saxon States

1. Great Britain

2. The U.S.A.

Chapter Three: Liberty and equality in democracy

§ 1: The tensional relations between the claims of liberty and equality in democracy

§ 2: The possible connection of the claims of liberty and equality in democracy

Second Section: The possible types and forms of democracy

Chapter one: The democracy of the ancients

Chapter Two: The classical Parliamentary-representative
democracy of the 19th century

§ 1: Their sociological premises

§ 2: The constitutional system of this form of
democracy

a) especially of the classical representative
system

b) especially of the system of the separation
of powers

§ 3: The practical functioning of this form or
democracy

a) in the European continental States

b) in the Anglo-Saxon States

1. Great Britain

2. The U.S.A.

Chapter three: The modern mass democratic state

§ 1. Its sociological premises

§ 2: The constitutional system of their form of
democracy

a) particularly the modification of the
classical representative system, and

b) the modification of the system of the
separation of powers

§ 3: The practical functioning of this form of
democracy

a) on the European Continent in the first
decades of the 20th century

b) in the Anglo-Saxon States

1. Great Britain

2. The U.S.A.

Third Section: The transformation of the modern mass society in the
20th century and the consequences of this strati-
fication for the stability of democracy

Chapter one: The political emancipation of the lower middle
classes

Chapter two: The political emancipation of the labouring
classes

Chapter three: The authoritarian state and democracy

§ 1: The special sociological premises of the authoritarian state

§ 2. The constitutional organization of the authoritarian state in its typical outlines

§ 3: The authoritarian state and
a) the democratic conception of equality
b) the democratic conception of liberty

Chapter four: The totalitarian state and democracy

§ 1: The special sociological premises of the totalitarian state

§ 2: The constitutional organization of the totalitarian state in its typical outlines with particular regard to conditions

a) in national-socialist Germany
b) in Fascist Italy
c) in bolchevik Russia

§ 3: The totalitarian state and
a) the democratic conception of equality
b) the democratic conception of liberty

Chapter five: Dictatorship and democracy

§ 1: Commissarial dictatorship and democracy

§ 2: Sovereign dictatorship and democracy

Section Four: The special consequences of the revolutionary modification of modern ^{man} society for the liberal democracy of the 20th century

§ 1: on the European Continent

§ 2: in the Anglo-Saxon States

a) Great Britain
b) The U.S.A.

Section Five: Democracy and the constitutional state

Chapter one: The fundamental relations of politics and law

§ 1: The essential of politics

§ 2. The being and relations of law and justice

§ 3: The fundamental autonomy of politics and law.

Chapter two: Parliamentary-representative democracy and the classical constitutional state with special regard to the Anglo-Saxon States

Chapter three: Modern state party mass democracy and the transformation of the structure of the Con-
ception of the constitutional state with
special regard to the Anglo-Saxon States.

Chapter four: The authoritarian state and
a) its ideological relation to the conception
of the constitutional state
b) its actual relations to the conceptio**b** of
the constitutional state

Chapter five: The totalitarian state and
a) its ideological relation to the conception
of the constitutional state
b) its actual relation to the conception of the
c**o**nstitutional state

Conclusion: Summary of the results and the inferences from this
summary for the future of democracy in the 20th century.

University College

Osgood

March 3, 1934

My friend Professor Zerkow, faculty

of Göttingen University, tells me

that he is a candidate for the

German Fellowship in the University

of London.

I have great personal and

confidence in your wisdom and

will warmly support his election.

I have known Professor

Zerkow, and for some time

very well, and I have also read
a great deal of his published
works, and have been much
impressed with his great
ability, and the penetrating judgment
and open-mindedness of his
criticism of his political
tenets and his right to
rank especially among the
best men and men.

Some of his papers, and I
may specially mention
one in the course and
importance of the doctrine of

of "Liberation" among the
books of the year, some to me
show a great criticism

have and give me, and
a very big objection in

making a name which
he does not know of them.

But he is only one of
a number of really excellent
critical criticisms - and

I have no doubt that if
he were elected he would

be able to make an important
contribution to research in

He was interested in

scientific subjects, and he

liked to see his handwriting.

A. I. Purdy

He was Fellow of Trinity College, Oxford,

Fellow of the British Academy,

He was President of the International

Symposium on the Philosophy

of Language and Semantics.

Charlottenburg, den 8. März 1939.
Neue Kantstr. 22.

Geh. Justizrat
Dr. Heinrich Triepel,
o.ö. Professor d. Rechte.

Sehr geehrter Herr!

Erlauben Sie mir, dass ich Ihnen Herrn Dr. Gerhard Leibholz, bis vor kurzem ordentlicher Professor an der Universität Göttingen, der durch besondere Umstände genötigt ist, sich eine Position ausserhalb Deutschlands zu schaffen, aufs wärmste empfehle. Ueber seinen Lebensgang wird Sie Professor Leibholz selbst unterrichten. Ich persönlich möchte hinzufügen, dass er einer meiner besten und liebsten Schüler gewesen ist, dass ich seinen wissenschaftlichen Lebensweg immer mit grossem Interesse verfolgt habe, und dass ich ihn mit gutem Gewissen als einen "first class man" bezeichnen kann. Seine Arbeiten haben sich vorzugsweise auf dem Gebiete der allgemeinen Staatslehre bewegt, mit starkem philosophischem und soziologischem Einschlage, und sie sind für die Rechtsvergleichung auf dem Gebiete des öffentlichen Rechts und für die "Political Science" fruchtbar. Ich nenne nur die Erstlingsschrift: "Fichte und der demokratische Gedanke", die Abhandlung: "Die Gleichheit vor dem Gesetz" und das aufschlussreiche Buch: "Das Wesen der Repräsentation." Zahlreiche Aufsätze in deutschen und ausländischen Zeitschriften haben seinen Namen auch über die Grenzen seiner Heimat hinaus bekannt gemacht, und er hat von mehreren wissenschaftlichen Instituten des Auslandes auszeichnende Anerkennungen erfahren. Eine gute völkerrecht.

liche Ausbildung hat er als mehrjähriger Mitarbeiter am Berliner Institut des Kaiser Wilhelm Gesellschaft für ausländisches öffentliches Recht erhalten. Professor Leibholz ist ein guter Lehrer und Redner, was ich ^{z.B.} bei einer Tagung der Vereinigung deutscher Staatsrechtslehrer mit Freude beobachtet habe. Er stammt aus guter Familie und ist mit einer Tochter des bekannten Berliner Psychiaters Professor Bonhoeffer verheiratet. Für seinen Charakter kann ich einstehen. Wenn Sie, sehr verehrter Herr, Herrn Professor Leibholz in irgendeiner Weise förderlich sein könnten, so würden Sie auch mich zu grossem Danke verpflichten.

In ausgezeichneter Hochachtung

A. Julius Trier

Professor an der Universität
Berlin.

The Palace

Chichester

4th May, 1939.

My dear Professor Van Dusen,

Dr. Gerhard Leibholz

I think perhaps I may help you and Dr. Leibholz by giving further details about his career. You will find his life and bibliography in the international Who's Who for 1938. He is a brother-in-law of Pastor Dietrich Bonhoffer. He became Professor of Public Law in the University of Greifswald in 1928 at the early age of 27. He left Greifswald in 1931 and became Professor of Public Law and Political Science at Gottingen University, being Director of the legal seminary there, as well as at Greifswald. He was dismissed as a non-aryan at the end of 1935. He has written a considerable variety of books and articles on international and sociological subjects. He came to this country last autumn. He is very highly thought of by University scholars and others who have met him in this country, and I think it probable that, from a letter which I have had from the Rockefeller Foundation's representative in Paris, Mr. Tracey B. Kitteredge, the Foundation would be willing to make a contribution to enable Dr. Leibholz to be settled in a permanent post. Mr. Kitteredge tells me that the Foundation has made grants to provide three-quarters of the salary of a refugee scholar in an academic institution during the first year, half of the salary during the second year, and a quarter of the salary during the third year. Mr. Kitteredge adds "Should any academic institution be prepared to offer a position on these conditions to Dr. Leibholz, I should be glad to bring any application the institution might wish to formulate to the attention of my colleagues in the New York office of the Foundation." Mr. Kitteredge wrote to me on this subject on March 3rd. I wrote about Dr. Leibholz, hence the mention of Dr. Leibholz, who had been in touch with them, but I take it that the offer would be open for other scholars provided they were men of recognized distinction, and provided the institution inviting the scholar were prepared, after two or three years, to guarantee a position with full salary, and to provide approximately half the total salary during the initial period.

I may also say for your information with regard to Dr. Leibholz that, though he does not himself know it, there is a special fund raised from American sources which is being kept as a reserve towards paying his expenses to America, if and when a permanent post in America were to emerge.

Yours very sincerely,

George Chichester

THE LONDON SCHOOL OF ECONOMICS AND POLITICAL SCIENCE.
(UNIVERSITY OF LONDON)

HOUGHTON STREET,
ALDWYCH,
LONDON, W.C. 2.

6/3/39

Selection Committee, Leon Fellowship.

I have great pleasure in recommending Professor Gerhard Leibholz for a fellowship.

You will already have received from him an account of a truly brilliant career, and a list of his works. I need only add my judgment of his quality and reputation, gained from the continuous study of German public affairs since 1919. Among the most able of our generation of writers is Leibholz. His studies in the theory and practice of 'equality before the law', ecclesiastical constitutional law, and the legal and sociological bases of Fascism are known all over the learned world and highly prized by scholars. He is a ~~man~~ man of extraordinary learning, has a powerful intellect, and besides the capacity for analysis possesses an imagination which illuminates. His practical experience in the law has been of great value in fortifying his native power of estimating the significance of social forces.

The subject he proposes to research into needs attention; and he will certainly make an original contribution to the subject, valuable beyond ordinary standards.

Herman Finer

Reader in Public Administration, University of London.

Leibholz

August 26, 1940

My dear Professor Van Dusen:

Thank you for your letter of the sixteenth and the material on Drs. Ehrenberg and Leibholz.

You convince me that they are men of distinction, and I shall be happy to have any further data on them you may have on hand.

The plan I am working on is based on the possibility of bringing over on non-quota visas men who have been professors regularly employed and who come to teaching positions. The New School will make the necessary teaching opportunity for a two-year term. In the course of the two years it is hoped that permanent positions may be found in other educational institutions.

I see no reason why Dr. Ehrenberg and Dr. Leibholz should not qualify under the plan. I shall of course need complete records before I can have a definite opinion.

Sincerely,

Alvin Johnson
Director

AJ:EW

Professor Henry P. Van Dusen
Union Theological Seminary
3041 Broadway
New York, New York

C O P Y

DRAFT OF LETTER TO AMERICAN THEOLOGICAL SEMINARIES ON BEHALF OF
REFUGEE THEOLOGICAL SCHOLARS

We feel constrained to write you again, supplementing our letter of July 8th.

Immediately after the dispatch of that letter, we received a most urgent and moving appeal from the Right Rev. the Bishop of Chichester who, since the beginning of the Hitler regime, has concerned himself with great devotion and personal sacrifice in behalf of theological scholars exiled through Nazi persecution. The Bishop of Chichester now asks our very special help in connection with two scholars of exceptional distinction whose names did not appear on the list sent you on July 8th. They are:

Dr. Hans Ehrenberg. Formerly Professor of Philosophy, Heidelberg University. Specialist in Eastern Christianity. Pastor at Bochum since 1925.

Dr. Gerhard Leibholz. Formerly Professor of Public Law and Political Sciences, University of Göttingen. Authority on theory of State, Church and Public Law.

Dr. Leibholz and Dr. Ehrenberg are both men of outstanding eminence. Indeed they, with two others, were selected from the entire list of exiled German theologians by the Provisional Committee of the World Council of Churches as most worthy of special assistance. For the past two years they have been under special appointment for research work in connection with the Provisional Committee of the World Council and have been receiving stipends from the Council of 250 pounds a year each. Presumably these stipends would be continued if they were to come to this country, and we feel reasonably assured that provision for their transportation would be arranged. Dr. Ehrenberg is 56 years of age, is married and has a boy 14 and a girl 16½ years of age. Dr. Leibholz is 37 years of age and has a wife and two daughters. At the present time both scholars are interned in Great Britain and their release can be secured only if they have an invitation to an appointment in this country. While 250 pounds, at present exchange rates, is in no sense an appropriate stipend for men of such distinction, it seems likely that it would be necessary for their hosts in this country to offer only hospitality, although if a modest additional stipend could be suggested it would, of course, be exceedingly welcome. Doubtless hospitality could be arranged in private homes.

We regard this as a very unusual opportunity for individual seminaries, or groups of nearby seminaries acting together, to strengthen their academic resources with men of great brilliance, charming personalities, and keen interest in American theological work. And also to perform a notable service to these deserving colleagues of ours.

If you see any possibility for action in their behalf, will you not communicate with Professor Van Dusen.

Faithfully yours,

W.P. Ladd, Chairman
Henry P. Van Dusen, Secretary
AMERICAN THEOLOGICAL SOCIETY
COMMITTEE ON REFUGEE THEOLOGICAL SCHOLARS

September 4 th. 40.

Dr. Alvin Johnson.
66 West 12 Street.
New York City

Dear A.J.:

Prof. Van Dusen of Union Theological Seminary urges me to bring to your attention the name of

Prof. Gerhard Leibholz, formerly Goettingen.

His present address in England and some biographical dates are contained in the list of refugee scholars which Van Dusen 's Committee drew up and which I gave Mrs. Staudinger today.

Without knowing Leibholz personally I can testify that he was held in highest esteem by my own republican colleagues in political science; he was considered perhaps the most brilliant of the younger men ~~in~~ ^{on} that field. Van Dusen's interest ~~for him~~ in him is also ~~for~~ his credit, of course, and seems to result from a very brave stand which Leibholz took on ~~Christians of Church~~ questions of Church law. I want to emphasize this point because I have, in fairness to your work, to announce a certain hesitation at least on my part and I suspect on the part of others too. Perhaps you remember that we published an article of his a few years ago which met with a storm of protest from various quarters against what was considered a kind of adaptation to totalitarian phrasology. I think this point must be taken up and fully clarified in order to reach an adequate decision. I do not mean ~~by~~ to say that he should not be called; but that the case should be carefully investigated, by Simons and Ascoli. I think that Simons probably knows Leibholz and so does Brecht, you will inquire with them.

Sincerely

Alvin Johnson

C
O
P
Y

8/27/40

Heath, Mass.

Dear Dr. Simons:

With reference to Dr. Gerhard Leibholz about whom I spoke to you and for whom I should like to make application for one of the Fellowships provided by one of the foundations and controlled by your committee.

Dr. Liebholz is a Doctor of Jurisprudence. He has held positions at the Universities of Berlin, Griefswald and Goettingen. He has been a refugee in Britain since 1935 and is now in an interment camp. He has held a small stipend under the World Council of Churches for which he has been doing research work on the relation of National Socialism to Christianity.

Last year he had two small lectureships at Oxford, one at Balliol and one at Magdalene. His lecture subjects were: "Theory of Democracy", "National Socialism and the Church in Germany". and "Germany and the West.

I regret that I do not have his full curriculum vitae but it is to be found in the International Whose Who of 1938.

The Episcopal Theological Seminary of Cambridge Mass has become interested in him through the intervention of the Bishop of Chichester and would like to extend him an invitation in order to get him out of the concentration camp. However they have no money at all and the Dean, Dr Angus Dunn has been considering taking him into his house as his own guest, in lieu of compensation.

I have the impression that you will seek to place the men who will be granted these scholarships in various institutions of learning. If this is the case there would be no question about the willingness of the Episcopal Seminary to have him. On the other hand if an invitation from them would compromise whatever chances he had to secure a fellowship from your committee I would appreciate being advised; in which case I would ask the Episcopal seminary to take no action.

I have had very strong personal testimonies from the Bishop of Chichester, Dr. Bell and from the Master of Balliol, Dr. Lindsay about the very high intellectual qualifications of Dr. Liebholz.

Sincerely yours,

(signed) R. NEIBUHR

UNION THEOLOGICAL SEMINARY

BROADWAY AT 120TH STREET

NEW YORK

Sept. 26, 1940

Dr. Hans Simons
The New School for Social Research
66 West 12th Street
New York, N. Y.

Dear Dr. Simons:

With reference to Leibholz, I am sending you enclosed a plan of study which he had proposed to follow as a Research Fellow for the World Council of Churches. This will indicate something of the quality of his convictions at the present time. I am personally unable of course to make any judgment about his convictions before he left Germany, but I am prepared to testify that the Master of Balliol and the Bishop of Chichester had the greatest confidence in his work. I had assumed that I had letters about him from these two men in my files, but I discovered this is not the case as I spent last year in Britain and my knowledge of his work there depends upon my personal conferences with the Bishop and Lindsay. I also had several personal talks with Leibholz himself, and found myself in complete agreement with the analysis which he was making of the political, moral, and spiritual situation in Europe. If there were ambiguities before arriving in England I think he must have learned a great deal there. It might be worth mentioning also that he is the brother-in-law of young Dr. Bonhoefer, who has been one of the most courageous fighters at the Confessional Synod.

I am asking Professor Van Dusen to send you any letters he may have directly from the Bishop of Chichester. I am also sending you enclosed a list of Leibholz's published works and essays which he gave me last year in Britain.

*The material sent to
Dr. Delbrück, Feb 4th.*

Sincerely yours,

Reinhold Niebuhr

Reinhold Niebuhr

Dear Mrs. Staudinger:

May I pass this on to you. If I get any material from Prof. Van Dusen you shall have it at once.

Sincerely,

Hans Simons

WORLD COUNCIL OF CHURCHES

(In process of formation)

PROVISIONAL COMMITTEE

(Constituted by the World Conference
on Faith and Order and the Universal
Christian Council for Life and Work)

Chairman of Provisional Committee:
THE ARCHBISHOP OF YORK

Chairman of the Administrative Committee:
M. LE PASTEUR MARC BOEGNER, D.D.

General Secretaries:
REV. W. A. VISSER 'T HOOFT, D.D.
REV. WILLIAM PATON, D.D.

Secretary in America:
REV. H. S. LEIPER, D.D.

EDINBURGH HOUSE

2 EATON GATE

LONDON, S.W.1

8th November, 1940.

WP/TB

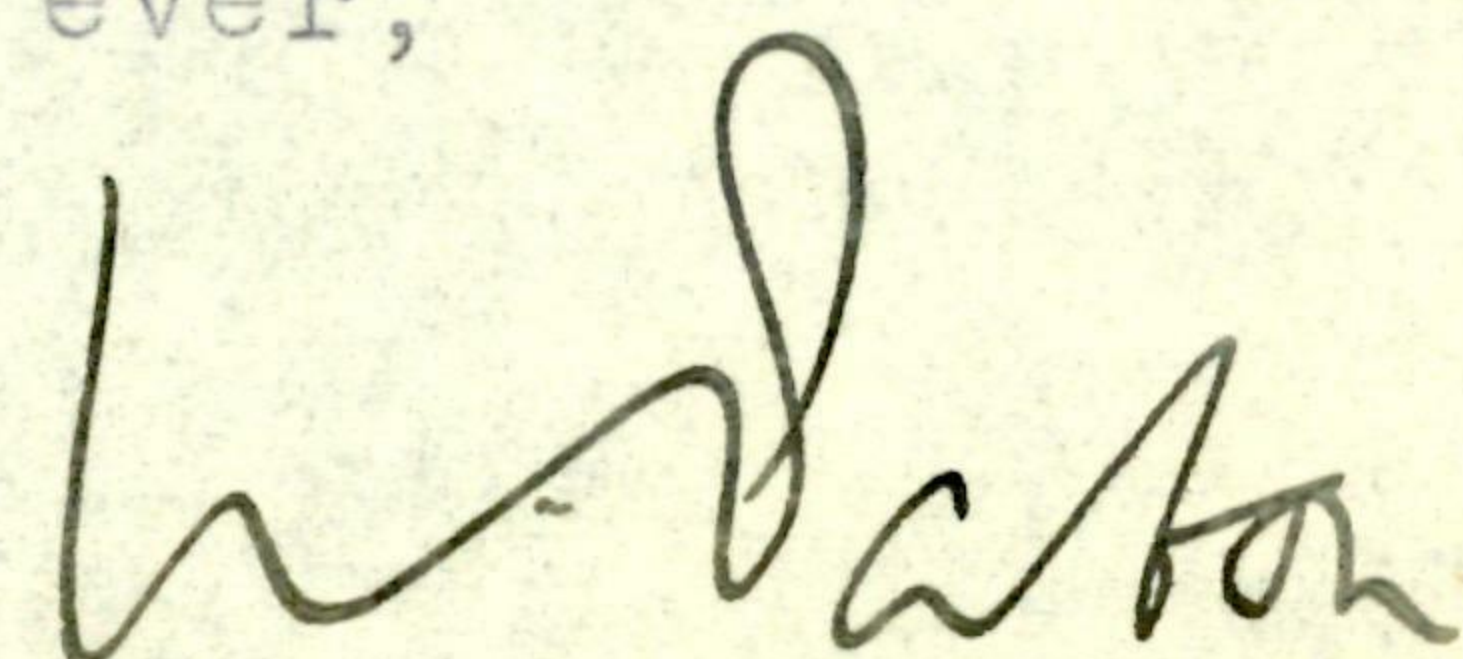
My dear Reinhold,

I enclose a copy of a letter I have written to Angus Dun, of the Episcopal Theological School at Harvard in regard to an offer made by that School to Professor Leibholz, one of the Christian scholars who is supported here by the World Council of Churches with a grant which the Bishop of Chichester and I secured from the Christian Council for Refugees. I feel the letter explains itself. I am worrying you on the matter because I understand from the Bishop of Chichester that you are in touch with the University in Exile and might be able from that source to augment the stipend of 1,000 dollars, to be contributed largely in the form of board and lodging, which the Episcopal School offers. To make matters quite plain I enclose also a copy of a portion of the letter from Chichester to Dun.

I hear that a copy of your new book "Christianity and Power Politics" has come to our American office for review and I am asking them to send it to me. I look forward greatly to reading it. Things have moved a long way since I saw you last in May, and we here have an immense amount for which to thank God. There is, however, a very long row to hoe and we are under no illusions as to the tasks that remain. I take it that you are in close touch with Pitney Van Dusen and I have been in very steady contact with him and have given him as much stuff as I can. The material he has sent me is beyond price and I cannot be sufficiently grateful to him and to the group of you who are working together for what you are doing.

Yours ever,

The Rev. Professor Reinhold
Niebuhr,
Union Theological Seminary,
Broadway at 120th St.,
NEW YORK CITY, N.Y.



EXTRACT OF LETTER FROM BISHOP OF CHICHESTER TO DR. DUN.

1st November, 1940.

"..... There are one or two points which, not unnaturally, have to be considered by Dr. Leibholz, and on his behalf, before a definite decision can be made. I am sure you will appreciate them as I put them:-

1. As far as the stipend from the World Council is concerned, we rather feel here that it would be fairest really, in making the best use of the funds available, if Dr. Ehrenberg (whom we hope is going to Berkeley Divinity School) and Dr. Leibholz took each half the stipend from British sources or if one of them only had the full stipend, leaving the other to be supported entirely in U.S.A. I raised this point with Dean Van Dusen in a letter to him of September 10th. I do not say this is an indispensable condition, but I think you will, in consultation with Dean Van Dusen, appreciate the desire that lies behind it, to spread the World Council stipend money raised in this country, as far as possible.

2. The main consideration, however, must be that Dr. Leibholz should have a sufficiently clear prospect of being able to support himself, his wife and two children, for the next few years. You are most kindly extending the invitation for a two-year period and specifying 1,000 dollars as an annual payment. In your letter you rather hint that while you are not able to guarantee more than the above from your limited unrestricted funds, the above, together with the World Council stipend, even supposing that to be forthcoming in full, would not be sufficient to cover the essential living costs for the family of four.

It does seem, therefore, to me that the decision really depends on whether the University in Exile can make the guaranteed stipend up to the minimum which in America you would feel to be requisite for the Professor and his wife and two daughters.

I am sending a copy of this letter to Dean van Dusen, so as to save time.

If you are able, as I very greatly hope, in conjunction

Handwritten header or title at the top of the page, possibly including a name and address.



with the University in Exile, to offer the stipend which would clear away the hesitations inevitable for Dr. Leipholz and his family, I shall be so very grateful. It is a momentous decision for him.

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UNION THEOLOGICAL SEMINARY

BROADWAY AT 120TH STREET

NEW YORK

Nov. 8th, 1940

received Nov. 12, 1940

Dr. Hans Simons
New School for Social Research
66 West 12th Street
New York, N. Y.

Dear Dr. Simons:

I have discovered some recommendations for Leibholz in my files which I should have sent you long ago. Perhaps the selections have already been made. But in the event that they have not been made, there may be some advantage in having these documents.

Sincerely yours,

R. Niebuhr

Reinhold Niebuhr

COPY.

8th November, 1940.

My dear Dun,

I have just had some talk and correspondence with the Bishop of Chichester about your very kind offer to Dr. Leibholz, and he has showed me a copy of his letter to you dated November 1st. I want just to add a word with reference to the stipend which is now being supplied to Leibholz in common with three other German Christian scholars through the World Council of Churches. This stipend of £250 a year was offered for three years, of which $1\frac{1}{2}$ have elapsed. The money was in fact contributed not by the World Council of Churches but by the Christian Council for Refugees here in London, out of the funds contributed partly by special appeals in the churches, particularly the Church of England, and out of the Christian Council's share of the Baldwin fund. The money is paid to me by the Christian Council and there is no formal restriction upon it, that is to say, it is given in order that these men may continue their studies in touch with the General Study activity of the World Council of Churches. I think you know that Van Dusen is Chairman of the Study Committee of the World Council.

The principal thing to be secured is that these men (Leibholz, Ehrenberg, Schweitzer and Frank - the last is in France) should be able to carry on their work, and I am quite confident that the Christian Council for Refugees in this country would put that consideration first. On the other hand, it has to be remembered that the money which the Christian Council has had at its disposal is by no means a large amount, that the claims upon it made by the very numerous Christian non-Aryan refugees in this country are great, and that it is inevitably more difficult now to raise any money than it was when the fund was raised. For this reason it may be difficult to convince the Christian Council (to whom in fairness I ought to convey the facts) that they should continue to pay the full sum if one or more of these men cease to work in this country and work in the United States instead. The Bishop of Chichester has suggested, and I very fully agree with the suggestion, that some part of the stipend should still be borne by this fund which the Christian Council for Refugees has put at the disposal of the World Council of Churches, but I feel that in

equity if they are going to America and if all the money can still be raise (difficult as it no doubt is) some parts of the stipend should be borne in America. It would seem to me not too insuperably difficult a task to accomplish this and I venture to hope that the invitation to Leibholz may be accompanied by some larger financial provision, perhaps through the help of the University in Exile.

My purpose in writing this letter is simply to make plain to you the problem which I have to face as the person who has negotiated the grant with the Christian Council for Refugees, to the World Council. You may reply upon to do all that we possibly can, and we here feel sure that you on your side will do all that is possible.

Yours very sincerely,

The Rev. Angus Dun, D.D.,
Episcopal Theological
Seminary,
Harvard,
Cambridge,
Mass.
U.S.A.

THE NEW SCHOOL
FOR SOCIAL RESEARCH
66 W TWELFTH ST NEW YORK

November 12, 1940

file with Leubke

Dear Mrs. Staudinger:

Here is the material I mentioned to you this morning.

I would like to mention that Finer is a very highly regarded teacher and writer in public administration. I am sure Ascoli knows him; he has written a well known book on Italy.

I don't know the other man.

About Triepel, I told you what I know.

Very sincerely yours,

Hans Simons
Hans Simons

Mrs. Hans Staudinger
8 West 13th Street
New York, N. Y.

ES

The University of Chicago

Department of Chemistry

KENT CHEMICAL LABORATORY

November 12, 1940

GEORGE HERBERT JONES LABORATORY

Dr. Alvin Johnson
The New School for Social Research
66 West 12th Street
New York City

Dear Dr. Johnson:

I received a letter from Professor Gerhard Leibholz. Dr. Leibholz is known to me from the time that we both were professors at the University of Göttingen, and while I am absolutely unable to judge the importance of his work, I always was told that he was highly estimated. I enclose the curriculum vitae of Dr. Leibholz which may inform you about his antecedentiae. I may add that he will send an index of his publications with normal mail, so it may not come into my possession very soon.

Since November, 1938, Dr. Leibholz and his family have been in England, where he got several fellowships, especially from the Society for the Protection of Science and Learning in Cambridge, the London School of Economics and Political Science, Magdalen College in Oxford, and from the World Council of Churches. He gave lectures at Balliol College at Oxford and some other places.

So far as I am able to judge, Dr. Leibholz is one of the men who certainly will belong in the group of scientists to whom you wish to give help. Since Leibholz in his letter referred also to his former colleagues, Dr. Rheinstein and Dr. Kessler, from the University of Chicago, and since they are much more able to judge Leibholz's scientific importance, I phoned them and they wish to write to you separately. May I therefore only recommend to you his case very much since I know that he is a good man and is a man deserving of help. With best regards, I am,

Very sincerely yours,

James Franck.

In which he asks whether I could recommend him James Franck for one of the grants with which you try to help scholars in distress.

*JF:dg
Enc.-1 Leibholz is unable to get now, during the war, a position in England. He has a family and I wish to recommend him strongly.*

1891 • THE UNIVERSITY OF CHICAGO • FIFTIETH ANNIVERSARY • 1941

Pardon me that I send a letter in that shape to you. The added lines are left out by an error and I have at the moment no secretary to rework the letter. J.F.

C O P Y

THE UNIVERSITY OF CHICAGO

The Law School

Chicago
November 13, 1940

Professor Alvin Johnson,
New School for Social Research,
66 West 12th Street,
New York, New York.

Dear Professor Johnson:

I understand that Professor James Franck of this university wrote to you the other day with respect to Professor Gerhard Leibholz, now at Oxford, England. Professor Franck has shown me a letter which he received from Professor Leibholz and in which Professor Leibholz expresses his interest in the new refugee professorships which have recently been created. I know Professor Leibholz well. We were colleagues for six years in Berlin. It seems to me that he would be exceptionally well qualified for one of these professorships.

Leibholz is one of the few German political scientists who are thoroughly familiar with English and American political practice and theory and who tried to utilize the experience of the old democracies for the constitutional and political life of the German republic. Leibholz' doctor's thesis dealt with the problem of "Equality before the Law," and in the opinion of some of the most qualified German scholars it constituted a work of unusual maturity and vision. On the basis of this book Leibholz was called to the staff of the Berlin Institute of Foreign Public Law. After an unusually short time he qualified as an assistant professor at the University of Berlin, briefly thereafter to be called to a full professorship at Goettingen.

In all of his later writings Leibholz was primarily concerned with the problems of the practical application of democratic ideals, with reshaping the fundamental notions of democracy, and with tracing its history in the English-speaking countries and in Germany.

Leibholz' eminence in the field has been recognized by his English colleagues as well as by The Rockefeller Foundation which offered him a position at the Nuffield Institution in Oxford. The war has so far prevented this institute from starting on its work, and it seems doubtful, under the present conditions, whether it will ever be opened. As far as I know the negotiations between The Rockefeller Foundation and Leibholz were carried on by Mr. Kittredge, who is certainly in a position to give you further information about Dr. Leibholz.

May I add that Leibholz is a very good looking man of pleasant manners, and that he has a most charming wife.

Very truly yours,

(Signed): MAX RHEINSTEIN

This material sent
to J. Delbrick, Vanderbilt
Univ., Nashville, Tenn.
November 14, 1940
Feb 4, 1941
returned June 6, 1941

Dear Dr. Simons:

I have received the material on
Leibholz which you sent me yesterday. It is
a very good recommendation indeed and we shall
see what we can do in this case.

Sincerely yours,

Else Staudinger.

Dr. Hans Simons
The New School for Social Research
66 West 12th Street
New York City

November 15, 1940

Dear Professor Franck:

Thank you very much for your letter of
November twelfth concerning Professor Leibholz.
We will look into his case carefully.

Sincerely,

Alvin Johnson
Director.

Professor James Franck
University of Chicago
Department of Chemistry
Chicago, Illinois

November 25, 1940

Dear Professor Rheinstein:

Thank you very much for your letter of November 13th about Professor Leibholz. We will look into his case carefully, although unfortunately the social science list is now rather full.

Sincerely yours,

Alvin Johnson
Director.

Professor Max Rheinstein
The University of Chicago
Chicago, Illinois.

UNION THEOLOGICAL SEMINARY
BROADWAY AT 120TH STREET
NEW YORK

December 10, 1940

Dr. Alvin Johnson
New School for Social Research
66 West 12th Street
New York, N. Y.

Dear Dr. Johnson:

I have just had a talk with Mrs. Staudinger over the phone in regard to Dr. Leibholz' application for a fellowship. She tells me that one reason why no action has been taken upon this is that there was no certainty about his having a place at an academic institution. This means that I have been remiss in reporting one aspect of the case, though I was certain that I had in some part of my correspondence. The situation is that the Episcopal Theological Seminary in Cambridge, Mass. was ready to extend a call to him offering him board and lodging, and hoping that a small stipend of 250 £ that he has been receiving from the World Council of Churches, could be continued over here.

I am enclosing correspondence received today explaining from the London side why this could not be done. There is, in other words, an invitation available for him should you be willing to grant him a fellowship. I cannot of course speak for the Episcopal Seminary in regard to the future. The correspondence has been carried on by Dean Angus Dun of the Episcopal Theological Seminary, Cambridge, Mass.

Sincerely yours,



Reinhold Niebuhr

Selfhelp

OF EMIGRES FROM CENTRAL EUROPE, Inc.

December 10, 1940.

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Mr. Alvin Johnson
66 West 12th Street
New York NY.

Dear A.J.

Something seems to have gone wrong in the correspondence regarding Gerhard Leibholz. In my letter of September 4th I had announced certain hesitations arising from unfavorable judgments which I had heard from friends of ours on Leibholz's article in Social Research. I got in contact there upon with van Dusen and Niebuhr who both of them had met Leibholz in England. This fact is interesting in itself because Leibholz is in England as a special guest and protegee of the Bishop of Chichesler in recognition of his particularly brave stand in the church trouble; his brother-in-law is one of the best-known and most courageous of those pastors. Both, Niebuhr and van Dusen had long conversations with him and assured me that they had seldom found themselves in so complete an agreement on fundamental questions as with Leibholz. They also describe him as an impressive personality and a very good speaker. At that I had assumed that you would have been notified by them of their experiences. But it does not make any difference; please take my word for theirs.

After these inquiries I think the case can be closed in a favorable sense. Whatever doubts there had been have been fully disproved.

Sincerely yours,

for Professor Heimann



Secretary

Dictated but not signed by
Professor Heimann

December 11, 1940

Dear Mr. Niebuhr:

Thank you for your letter of December tenth about Dr. Leibholz.

I am very sorry that I cannot give you a favorable answer. In our present project we have room for only two more scholars and there are at least a dozen whose claims are stronger than Leibholz's.

The situation might be different if the Episcopal Theological Seminary in Cambridge were contemplating permanent employment; but as things stand I should not be able to recommend the application of Dr. Leibholz to the Foundation.

Sincerely yours,

Alvin Johnson
Director

Mr. Reinhold Niebuhr
Union Theological Seminary
Broadway at 120th Street
New York, New York

Law School of Harvard University,

Cambridge, Mass.

January 6, 1941

Dear Alvin Johnson:

May I call your attention to the case of Prof. G. Leibholz, Oxford, 100 Banbury Road,

Dr. Leibholz was professor of Public Law at the University of Goettingen, Germany and lost his position on account of his Jewish origin. His wife is "Aryan", his children half-Jewish. He is in the early forties and was a highly esteemed Law teacher in Germany. He is now living in Oxford, England and wishes to come to this country.

I should feel very grateful to you if you could help this worthy scholar.

Very sincerely Yours,

Hans Kelsen

Hans Kelsen

Professor Alvin Johnson
Director of the New School
for Social Research
New York

January 9, 1941

Dear Hans Kelsen:

Thank you for your letter of January 6 about Professor Leibholz. I will try to see whether something can be done for him. The chances are not very good, because we have about reached the limit of our funds for bringing over scholars in public law.

Sincerely,

Alvin Johnson
Director

aj:sm

Dr. Hans Kelsen
Law School
Harvard University
Cambridge, Mass.

VANDERBILT UNIVERSITY
DEPARTMENT OF PHYSICS
NASHVILLE, TENNESSEE

WJ

Jan 31, 1941

Dr. Alvin Johnson, Director
New School for Social Research

Dear Dr. Johnson:

I would greatly appreciate it, if I could obtain from your files material concerning Dr. Gerhard Leibholz. Our Social Science division is expanding and I should like to try and interest them in Dr. Leibholz.

Sincerely yours

H. D. Delbrück

February 3, 1941

Dear Dr. Delbrück:

I am enclosing the material on
Dr. Gerhard Leibholz which we had in our
files.

Sincerely yours,

Alvin Johnson
Director.

Dr. M. Delbrück
Vanderbilt University
Nashville, Tennessee.

Enclosures

VANDERBILT UNIVERSITY
DEPARTMENT OF PHYSICS
NASHVILLE, TENNESSEE

ES

June 6, 1941

Dear Dr. Johnson:

enclosed I am returning the material on Dr. Leibholz, which I obtained from your files. My efforts on his behalf were unfortunately without success.

Material, consisted of

Plan

(The Problem of Democracy, et)

Reference Finer 6/3/39,

University College, Oxford,

Dr Triebel.

Sincerely yours

M. Delbrück

M. Delbrück