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FOREWORD

The importance of war claims increases after each major conflict; the claims from World War I were greater than those for any previous war, and those of World War II, discussed in this symposium, far overshadowed prior ones in both size and complexity. Such a development is not surprising, considering the nature of contemporary warfare. The global geography of the last war, its total nature as reflected in deliberate mass indiscriminate bombing on an ever increasing scale of civilians and their properties, the refinement of techniques of economic warfare, have all resulted in a tremendous growth in the number and magnitude of claims for damages to persons and properties. At the same time, a growing awareness of international law, of its doctrines and potentialities, even if not always accompanied by acknowledgment of its principles and judgments, has facilitated and favored the filing of war claims. Beyond these factors, others have fostered the rise of further claims on a vast scale. The genocide policies of the Fascist states, accompanied as they were with systematic confiscations and forced transfers of all properties of the eliminated races, lead to staggering claims if the victors choose to attempt restitution here in some form. Similar questions must be faced in attempts to undo the various, often subtle, forms of organized Nazi looting of the economies of occupied countries. Finally, the postwar nationalization and socialization programs of governments in much of Europe have a vital relationship to war claims in these countries.

The unfortunate fact is that the appalling complexity, scope, and amount of these World War II claims may serve to defeat them, regardless of their admitted merits and justice. Sums so staggering obviously cannot be collected from the conquered or paid by the victors. Even if collection were possible, the problems of determining with any degree of accuracy the amounts of the damages and losses to person and property, of tracing and recovering assets from the hands of innocent purchasers, of ascertaining the rightful heirs of those who have disappeared without trace, may well appear so overwhelming as to paralyze further action. Certainly it is to the credit of the Allies that they have not been completely baffled by such numerous and novel issues, but have attempted to work out solutions which even if far from perfect have pioneered and accomplished much.

I cannot but wonder if the entire concept of war claims and reparations may not

be inadequate to cope with the results of present-day conflicts among nations. Restoration or compensation on an actual damage basis for personal or property injuries or losses may no longer be feasible or even desirable. Instead, the immediate objective may be relief to the destitute, and the ultimate goal may be economic and social rehabilitation of an entire country, with the emphasis not on restoration of pre-war conditions but on long range economic and social development. Where financial resources are lacking for such ambitious programs, governments may resort to extensive confiscation and nationalization of industry, agriculture, and property, as Mr. Herman points out has been the case in much of Eastern Europe where the Marshall Plan has not operated. Where funds are available, as in the Philippines, these drastic measures can be avoided. Perhaps, as Mr. Schein and Professor Wright suggest, the United Nations in the future may take the lead not only in condemning and punishing aggression, but also in directing and accomplishing the rehabilitation and development of the economy of the victims, irrespective of race or nationality.

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