POLITICAL OBLIGATION, JUDGES, AND THE HOLOCAUST*

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The reason that men have studied ethics has been to learn how to apply principles of action in practical situations. Because they have usually felt that men knew how to act in ordinary situations, it has most often been the extraordinary condition that has attracted the main part of their attention. In this vein Socrates examined justice in the *Republic* by wondering whether or not a madman deserved return of his sword. Our concern in this paper is with the behavior of individuals in an extreme situation.[1] The problem is one of political obligation. The context

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1. Littell (1979) posits the following: "Every good medical school has a department or division of Pathology, for the study of decayed and dead bodies gives important clues to the nature of human health. Similarly, the study of pathological social and political situations, of which the Holocaust remains Exhibit A, can produce new and deeper understandings of what a good society is like."

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is the behavior of judges in Nazi Germany and their role in the Holocaust. Finally, it is our contention that these considerations reflect upon our more mundane times.[2]

In our century the notion of natural law has lost its force (Patterson, 1955). In its stead the importance of positive law has correspondingly increased. Hannah Arendt (1951:290-302) has argued that this transition helped fuel the movement from constitutional government to totalitarian regime in Nazi Germany. It was her contention that the Nazis understood that the ultimate sources of positive law could be discovered in the will of the people, which was understood to be changing and evolving throughout history according to principles uncovered by the National Socialist movement. Ultimately the Nazis learned that they could use the instruments of terror to speed up the processes of history. It was at this point that a totalitarian movement could be said to have emerged. But before this change could be finalized the Nazis propagated a myriad of laws, many of which they promptly ignored; others they used to hasten the Jews into a stateless condition for the experiment in genocide to follow. Our concerns in this paper are with the ethical dilemmas confronted by the judges who acquiesced in this latter process.

We believe that an empirical study of attitude complexes regarding political obligation will provide us with a useful scheme for understanding the behavior of the German judiciary. In 1977, Martin and Taylor used Q technique and factor analysis to investigate attitudes regarding political obligation. They employed a Q sample composed of 59 statements drawn from students' essays concerning why they as citizens obey or disobey the rules of the government. The results were factor analyzed, and three factors emerged (Martin & Taylor, 1978; cf. Reid & Henderson, 1976).

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2. See Rubenstein (1975:67). Rubenstein examines Auschwitz not as an aberrant "event" but as in the mainstream of the twentieth century, "the century par excellence that is beyond good and evil."

Factor A was composed of individuals who do not find any facile basis for political obedience. These individuals do not believe that laws are inherently wise, good, or even useful. They do not believe that the state in the abstract or individual leaders in particular have the right to demand their obedience. Also individuals on factor A do not regard mere procedural arrangements, such as voting or other forms of participation, as obliging upon the individual; indeed, these people do not regard themselves as obligated to the state at all. Instead they view their personal principles as the only legitimate source of moral obligation. Individuals on factor A assert that they would not obey immoral laws; moreover, they alone are the judges of whether or not laws or rules are immoral. These individuals assert a modification of Kant's categorical imperative: that they know what is right and wrong and they will act accordingly not withstanding the coercion of the state.

Factor B is another matter altogether. Individuals on factor B see rules as a necessary component to modern life. To them rules are useful, sensible creations without which there would be no order in the world. They believe that their fellow human beings are barely restrained by the power of the law and that without the limitations placed upon us by government our world would degenerate into a Hobbesian state of nature. To these individuals rules are never to be questioned, let alone broken. Moreover, their own judgments about the validity of governmental action are irrelevant. Laws take power, but no additional authority from procedural arrangements. If a government should prove itself lawless and a violator of rights of the individual, persons on factor B would still believe that it was their duty to obey the state up to the point where their own lives, and the lives of their loved ones, were threatened. But until that point is reached individuals on this factor believe that the decisions of the state ought not be questioned.

Factor C is another story still. These individuals are extremely skeptical and cynical about the

good intentions of leaders; however, their cynicism suggests to them that leaders must be concerned about what their followers think. In a quasi-Machiavellian fashion persons on this factor regard politics as a game. One enters the game by the accident of birth and plays it because there is little alternative. The objective of the game is one of survival. The individual on factor C claims to obey when he feels he has to and to disobey when it is in his interest to do so. These individuals claim to be skilled actors, and they expect their fellow players to assist in putting on a good show. At first one is surprised to discover that factor C people are really very hopeful. But the truth is that they believe that their leaders will have gone through the same calculations that they have and that they will take into account the needs and interests of their constituents. This strange hopefulness, however, has nothing to do with mere legalisms, truth, or principles; rather it is based upon expediency in all matters.

JUDICIAL CASE STUDIES: BUREAUCRATIC BEGINNINGS

We accept factors A, B, and C as empirically based (although not necessarily exhaustive) perspectives on political obligation. Correlatively, we accept those factors as potential categories of individuals who hold the attitudinal configurations described and whose behavior can be understood in part as an expression of those attitudes. Finally, we are willing to make the leap of faith that those three factors, as described, were physically present in Germany before, during, and since the Third Reich.[3] On that basis, we examine the behavior of some judges in Germany and their contribution to the Holocaust.

Political obligation was an important concern of the Nazi regime and the concept of the "royal judge"

3. Stephenson (1953:343) argues that if one discovers a case X, one can usually be allowed the leap of faith that there are plenty more cases where X came from.

(Roper, 1941) was one important strategy for relieving some of that concern. Although Hitler came to power legally, the Third Reich was obviously a sharp break with the Weimar Republic. To preserve the appearance, if not the fact, of "acting legally," judges had to become an extension of National Socialist thinking. In January, 1938, Dr. Roland Freisler, Secretary of State of the Ministry of Justice, unveiled the concept of the "royal judge" at a meeting of judges, state prosecutors, and members of the press.

Dr. Freisler's judicial functionary was declared to be supreme, beyond criticism, under the absolute protection of the state--but pledged to the National Socialist State without reservation. The question, according to Friesler, was not one of finding objective justice in any individual case. The individual defendant was of no more importance than any human being was of importance. All that counted was the welfare and security of the state. Misuse of this royal justice--i.e., less than perfect loyalty to the state by judges--was subject to severe punishment. In this way the Ministry of Justice metamorphosed "the somewhat dull but fairly substantial criminal judges of the pre-Hitler period into model National Socialist judges. They achieved almost total success" (Roper, 1941:58).

Before examining some brief sketches of emerging "royal judges," it may prove useful to speculate upon the material out of which such royalty was created and correlate the emerging product with the three factors of political obligation. For this we depend entirely upon the observations of Edith Roper, newspaper correspondent for several years in the Nazi courts, who points out a crucial difference between civil and criminal judges before the advent of the Third Reich. The former, by and large, possessed the better legal minds and training and were, as individuals, more middle- to upper-middle class socially. The criminal bench was comprised, however, of two kinds of judges prior to the Nazi takeover: (1) those interested in problems of criminology and the search for answers to this based on social sci-

ence theories, and (2) those who found civil law far too difficult for them, who achieved judgeship automatically at a certain age, at a certain stage in their public careers, irrespective of whether their earlier activities had met with success or failure. The first category of criminal judges, composed no doubt of some factor A types or at least reasonably sympathetic to variations on this theme, were quickly and thoroughly purged by the National Socialists. Roper describes the criminal judges who were not purged, but who would soon be raised to "royalty," as follows:

> Upright and respectable officials, they performed their duties conscientiously, in accordance with accepted procedure, and painstakingly avoided judicial error. They could work no great harm, because of the public watchfulness already referred to. Moreover, these gentlemen of the judiciary did not have the intellectual capacity, hence lacked the courage, to defend, let alone initiate, any innovations. These criminal judges were decent men; and unimportant officials (Roper, 1941:57).

National Socialism freed these timid public servants from their fear of responsibility and harnessed their factor B and C versions of political obligation to a greater cause than their pre-Hitlerian dreams and lives would have permitted them. Now they could be important officials.

Judge Schlehmann

This jurist, Chief of the Magistrates Court during the early stages of the nazification of the German judiciary, can be described best as a "petty bureaucrat." His judicial behavior fits one *stereotype* that can be derived from factor C responses in the Q experiment. His regular lectures to defendants were framed in the language of primitive morality (Kohlberg, 1969): "Your parents should have beaten you up long ago, then maybe something decent might have be-

come of you" (Roper, 1941:62). Judge Schlehmann brooked no evidence from the defense that did not resonate with the judge's version of reality, influenced of course by the needs of the "folk-community." When an accused insisted upon the right to describe the situation of the case, according to Roper this was the royal response:

> Are you the judge here or am I? How this matter is to be viewed and how judged you will please leave to me. You might have considered your shameful act before you committed it. Remember that here you are the defendant, and that is reason enough for us not to believe a word you say. When someone sets himself against the folk-community and the State, we, the judges, are the persons designated to consider the matter, and to judge it as we see fit (Roper, 1941:63).

Where the folk-community and the State permitted mitigating circumstances, Judge Schlehmann's decisions reveal an interesting list of these: (1) nonsmokers, nondrinkers, and those who did not indulge in any kind of "amusement"; (2) defendants who showed deference, especially those who cringed artfully; (3) repeaters, because, in his opinion, they were often beyond salvation; and (4) those accused who shared an interest in common with the judge and who pursued that interest with clearly demonstrated *neatness*.[4] This list was anything but foolproof: its operationalized value was contingent solely upon the mood of his Judicial Highness.

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4. See Roper (1941:68-69). The fourth category refers to several examples, one a stamp thief who carried on for months a large scale operation. This offense normally would have merited a minimum sentence of three years in the state prison. Schlehmann, however, let the accused off with only nine months because the pilferer mounted the stamps neatly in an album and because the judged shared this "collector's" interest in philately.

Judge Spohner

This is the judge who sentenced the German tennis great, Gottfried von Cramm, for homosexuality. Herr Spohner specialized almost exclusively in handling such cases, and his record was enviable: convictions in almost every instance and sentences that were universally accepted by defendants. When asked by a reporter how he managed to be so successful, Spohner outlined his technique as follows: After pronouncing sentence, the judge would send a sergeant at arms to talk with the defendant and explain how lenient the judge had been, with the confidential advice that challenging the verdict would result in a much longer sentence. The judge motivated the sergeant at arms as confidant with the gift of a cigar. Here is the juridical rationale in His Honor's words:

> Thus I kill several flies with one swat. I become known for the justness of my arguments, and I don't have to examine the proceedings all over again. I also avoid the labors of a second trial, for if the case were appealed it probably would be reassigned to me, which would mean new and much more cautious proceedings. You know that in sexual offenses it is impossible to check details, and securing proof is difficult business and a nuisance. So you see, all this is straightened out by giving a man a cigar.

Judge Spohner forgets to add that his system reduces unnecessary costs for the state and clears the judicial system of small matters to take care of the large ones. After all, justice delayed, even in a National Socialist State, is justice denied. Moreover, the clever use of rules in this case suggests to us that Judge Spohner is an excellent representative of factor B. He understands clearly that rules are only useful when they manipulate people.

Before leaving these bureaucratic beginnings it is only fair to point out that some of the judges, who were overlooked perhaps in the early purging of the judiciary, did speak out. Roper (1941:77) describes

one such principled jurist, whom we take as an indication that perhaps some factor A individuals can be counted on to act upon their convictions. The defendant in this case claimed that his alleged confession had been forced from him in the concentration camp by beatings and other torture. That kind of slander and libeling of folk-justice was inadmissable. The youthful prosecutor threatened the defendant. It was then that the judge stood up and went on record for press and public in attendance that he believed the defendant's statements to be accurate. Roper quotes the judge as saying, "Everything that I have learned from the record in this and many other cases, as well as from medical certificates, proves that the inmates of concentration camps are subjected to the most inhuman treatment and the most appalling tortures" (p. 77).

JUDICIAL CASE STUDIES CONTINUED: THE MASK IS REMOVED

Edith Roper's account is valuable, for one thing, because it chronicles some of the basic training for the main event, the Holocaust. It is interesting to note that in Roper's account the state prosecutor is "something of a cipher, the judge having usurped all of his functions" (p. 81). Before 1933, the prosecuting attorney for the state was in charge of the entire trial, including examination of the witnesses and of the defendant. The judicial role then was that of making sure formalities were observed and procedures followed; the judge before the nazification of the courts neither formed nor expressed an opinion or view in advance of the trial. Indeed, both judge and prosecutor prior to 1933 fulfilled the Weberian judicial norm: they were given protection from discretionary dismissal or transfer in order to guarantee "a strictly impersonal discharge of specific office duties."

All of this changed when the Special Courts were created to speed up the processes of history. The need to purify not only Germany, but Europe and perhaps some day the world, required assembly line jus-

tice. Most revealing is the correspondence of the German Minister of Justice, Otto Thierack, written in October, 1942, in which he turned over to Himmler criminal jurisdiction over Poles, Russians, Jews, and Gypsies. His rationale for the final solution is not even masked in euphemisms as he writes, "In so doing, I stand on the principle that the administration of justice can only make a small contribution to the extermination of the peoples" (Hilberg, 1967:296).

As the proceedings before the International Military Tribunal point out, the courts in Germany had degenerated under Hitler to the point where they were mere enforcement agencies for his decrees. The courts at this point were subject to the domination of prosecutors. Consequently, a sentence of "not guilty" could be set aside or increased at the whim of those in power. The Special Courts were not subject to the usual rules that were honored, if only in the breach, during the period before 1941. Under the doctrines of "analogy" and the "sound feelings of the people," it was not necessary for a conviction that a person even have violated an existing law (Appleman, 1954:157-159). The mask had been ripped away. There were no court reporters in the sense that Roper had served earlier; however, the National Socialists were meticulous bureaucrats and they kept complete records themselves. We turn now to two judges who served the Third Reich, who are part of those records, and whose continued presence in the German legal system caused some uneasy moments for editorial writers of *Der Spiegel* and others in West Germany, whose perspectives on political obligation are closer to factor A than to factors B or C.

Judge Friedrich Mattern[5]

As of 1968, this judge served on the federal bench in Karlsruhe. During his previous life as a Nazi judge he participated in the following death sentences handed down against four Czech nationals in 1942:

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5. This account is based on "Judges--A New Realization" (*Der Spiegel*, 14/1968).

> On September 11, a laborer, Franz Korta, 35 years old, branded as an "antisocial parasite" for the counterfeiting and sale of food stamps.
>
> On September 17, a miller, Jaroslaus Riedel, 57 years old, for "unauthorized possession of an army pistol with over 35 bullets."
>
> On September 18, a clerk, Zdenek Michalik, 20 years old, as an "antisocial parasite trafficking in food stamps."
>
> Also on September 18, a laborer, Stephan Vnuk, 44 years old, "on account of unauthorized possession of two pistols with ammunition and his continued monitoring of enemy radio transmissions."

When the news broke of Mattern's former judicial activities, the German Supreme Court issued a brief statement to the effect that these incidents were known and had been investigated. The truth of the charges against Mattern was not at issue. The records spoke to that concern. Mattern weathered an investigation by the Karlsruhe Bar Association, a review by the West German Minister of Justice, as well as the aforementioned "knowledge" of the Supreme Court.

Judge Mattern's defense was twofold: (1) in committing crimes, if indeed he did at all, he was only a "mere errand boy"; and (2) he considered himself exonerated, in any event, by the 1948 ruling of a denazification tribunal that had recommended clemency "to the greatest possible extent." The defense of Mattern was not too badly damaged when the bar association declared (in 1960, not 1942) that "there was no abuse of justice," because the sentences of death were "not disproportionate to the severity of the offenses." What may help us to place Herr Mattern as a representative of factor C on our scheme of political obligation is his most insightful observation: "That there are limits to judicial obedience is a new realization." It never ceases to amaze social scientists when real actors actually talk the jargon of the trade! But clearly here is an individual who understands the game he is playing and its limits.

Dr. Heinz Hugo Hoffman

This jurist sat as a member of the Nuremberg Special Court that sentenced a 68 year old Jewish merchant, Leo Katzenberger, to death for the alleged crime of "Rassenschande," sexual intercourse between an Aryan and a non-Aryan. Since the war Judge Hoffman has practiced law in Darmstadt without interruption since 1950. His "case" waited until 1970 when the German Supreme Court was finally in a position to review the evidence and dispose of the appeals and cross-appeals. It was 1973 when the trial at the highest level commenced and by then Hoffmann was troubled by poor health and considered only "conditionally competent." His defense: he had considered himself bound by the laws, including the law of *Rassenschande*. So much for factor B.

Der Spiegel sees at least two important considerations that are illustrated by the Hoffmann trial. (1) This was something of a non-event; it made no headlines; it lacked the sensationalism of disappearing money or disappearing women. In short, it could not compete with more interesting and then concurrent scandals. (2) Hoffmann was a symbol of the German judiciary's acquiescence to Nazism. For them Hoffmann represented "all the opportunists, cowards, and criminals who served as judges or prosecutors under Hitler." The account continues as follows:

> He stands, for example, for those who sent "only immigrant laborers" to the gallows. He stands for those who saw no reason not to resume their judicial careers after 1945. And he stands for those, who, in a jungle of moral ambiguity, managed to destroy all vestiges of their past and remain in office. (*Der Spiegel*, 4/1973)

The result of the Hoffmann trial is also symbolic. At 67, suffering from a circulatory disorder of the brain as well as depression, he was found incompetent to stand trial. His trial was accordingly continued indefinitely. As *Der Spiegel* (49/1973) noted in a more recent editorial: "It now seems unlikely that

Hoffmann, the only Nazi judge threatened with conviction for his activities under Hitler, will ever stand trial. Thus, of all those convicted of Nazi crimes by West German courts (6,329 as of January 1, 1972), there has never been (and now never will be) a Nazi judge." In comparing judges with other officials, Max Weber (1968:962) described and perhaps prophesied, that the "independent" judge is one official "who never pays with the loss of his office for even the grossest offense against the 'code of honor' or against the conventions of the *salon*."

JUDICIAL CASE STUDIES: NEITHER CONCLUDED, NOR CONCLUSIVE

Our account ends on a note that brings us, perhaps, more up to date and closer to home. What about the judges who, more recently than the International Military Tribunal at Nuremberg, have judged the judges and others accused of crimes of the Holocaust? Here we shall be mercifully brief because our readers should be able to guess at the outcomes. Those outcomes are not unrelated to political obligation "then and now" and to the intuitive guess that factor A is generally rarer than factors B and C wherever one looks out or listens up.

Judge Ernst-Jurgen Oske

This jurist was presiding judge at the appeals trial of Hans-Joachim Rehse, a former associate justice of the Nazi Supreme Court under Chief Justice Roland Freisler. In 1967 Rehse was sentenced to five years' imprisonment after a Berlin jury trial. But in 1968 the West German Supreme Court set aside the conviction, acquitting Rehse of three counts of murder and four counts of attempted murder. Our interest, however, is in Judge Oske, not the exonerated Rehse. It was this presiding judge who found what *Der Spiegel* called "new justification for the principle that men such as Rehse cannot be held accountable for their actions." Judge Oske expounded the right of a totalitarian state, as any other, to self-

determination. Compatible with this version of sovereignty, Oske pointed out that a "liberal interpretation of laws that are designed to protect the state" is essential, and is something that "even the Allied powers could not do without" (*Der Spiegel*, 50/1968). That Herr Rehse placed himself at the disposal of the "then prevailing legal theory of intimidation" and acknowledged his allegiance to it as a judge, Oske argued "cannot today be held against any judge." The negative public reaction to the impeccable logic of Oske's opinion astonished him--to the point that he, Oske, declared to the press that he was "speechless." Some jurists in West Germany, mostly older ones, shared Oske's surprise and praised "the courageous opinion of the court." Oske felt impelled to take *his* case to the press after the trial. He had still another escape clause to share with posterity:

> After all, the really extreme cases [i.e., decisions of the Nazi Supreme Court] occurred only in 1943 and 1944, a very short period of time. We would hope that such an era will never return. I consider it wrong to discharge a judge solely on the basis of injustices committed during such a brief period. (*Der Spiegel*, 52/1968)

The triumph of quantity over quality, or judges "subject" to the law and hence not culpable, acted upon as much as actors in a completely respectable tragedy.

It should be clear by now that Oske is a near perfect fit with factor C. Oske is saying to anyone who would listen: "Look! These were the rules of the game, what else would you expect of Rehse?" If Oske has made a mistake it is that he did not hide the conflict between the game that *he* was playing and the expectations that the German press and people had for him. In other words he was too obviously a gamesman.

Judge Norman C. Roettger, Jr.

This jurist presided over the acquittal of Feodor Fedorenko, Ukrainian born and naturalized U.S. citi-

zen, accused of obtaining citizenship fraudulently by hiding his activity as a guard at Treblinka during the process of immigration and then naturalization. Fedorenko admitted at the trial that he was a camp guard. His defence was that: (1) he was forced into this by the Nazis as a prisoner of war, and (2) he was innocent of charges of brutality or other related wrongdoing. These factors were supposed to explain his oversight relative to immigration and naturalization. That explanation was supported by Judge Roettger's ruling during the trial that "once citizenship has been confirmed it can only be taken away if it can be shown that the misrepresentation was material." In Fedorenko's case this turned out "not to be material," an outcome based in part on the presiding judge's view, preserved in his opinion, that Fedorenko himself was "a victim of Nazi aggression" (Kreig, 1978).

Some observations about Judge Roettger's participation in this decision may help to round out *our* case. First, during the proceedings the presiding judge held a mid-trial press conference in which he questioned the credibility of some government witnesses. These witnesses were former inmates of Treblinka who testified that Jewish victims on arriving at the death camp were immediately undressed and led to a huge pit with an eternal fire at the bottom. They were seated on benches which surrounded and faced the pit, whereupon Fedorenko and his fellow guards fired bullets into the back of their heads, forcing victims into the pit for incineration. Roettger ruled that the Israeli eye witnesses' testimony was not credible. Furthermore he found that it was prompted either by police investigators, improper conversations among themselves, or by "coaching." In fact, later on during the trial Roettger "successfully pressured the government to drop from the witness schedule several Treblinka survivors, saying he didn't want to hear 'cumulative evidence' on the defendant's alleged war crimes." Second, Roettger characterized the trial as a "Hollywood Spectacular" with "gruesome testimony" and "tearful theatrics." The drama seemed lopsided to this jurist, also, as he noted that the govern-

ment spent lavishly to prosecute a factory pensioner who exhausted his small savings on legal costs. Third, in his ruling, the judge characterized Fedorenko as a "guileless man, unsophisticated and uneducated, whose voice was sincere and strong." Fedorenko's friends and neighbors testified that "Freddy" had been a good and gentle man. The judge questioned how Mr. Fedorenko's removal could benefit the U.S. so many years after the war. The prosecution announced that it would appeal the verdict.

Again, we believe that the relationship between the factor structure with which we have been dealing is clear. Factor B individuals view rules as a means of keeping the peace. Principles, even supported by eyewitnesses, can be troublesome, noisy, theatrical kinds of things. Therefore, it is perfectly understandable that Roettger could dismiss the allegations against Fedorenko on the grounds that there was nothing to be gained by making an example of a good neighbor and family man.

Given all that we know about the Holocaust and the addition of these cases, it is possible, even likely, to become cynical about questions of political obligation. A reading of the Nuremberg proceedings will show that the jurists were certainly concerned about the relationship of political obligation and personal guilt. They took seriously oaths of allegiance to Adolph Hitler. Clearly the jurists carried with them a practical view that no political organization could ever expect perfect consensus, that at no time would any individual be perfectly in tune with the wishes of his superiors; therefore, necessity appears to dictate that individual obedience be more highly valued than individual standards.

On this basis one can see political obligation mostly in terms of factors B and C from the material cited above. Either one accepts rules as necessary to prevent chaos or one accepts rules as necessary to play politics, but in either event rules must be accepted. Therefore, questions of obedience must take precedence over questions of principle.

Clearly there is some explanatory value in this position. The Holocaust did occur. The danger is

that if we allow ourselves to accept the primacy of obedience as the foundation of political obligation, then we shall see the Holocaust as necessary. We must realize that there are individuals who respond differently to the claims of the state. The Q factor analysis revealed one such group of people who claim that they feel no obligations to the rules of the state. They obey, they say, only when the dictates of their personal consciences coincide with the states' wishes. But, more importantly, there are instances, which we often neglect, of individuals who do act in this fashion--on principles. These kinds of people were present in Nazi Germany and their presence has been and continues to be documented.

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In future issues...

William Stephenson. Newton's Fifth Rule and Q methodology: application to psychoanalysis
Bruce Thompson, Ronald G. Frankiewicz & G. Robert Ward. Cross-technique validation of attitude measures
Kenneth E. Wilkerson. Media ludentia

Correction: In the January issue, William Stephenson's manuscript on "Q-methodology, Interbehavioral Psychology and Quantum Theory" was erroneously listed as forthcoming in a future issue of *OS*. It will appear instead in *Psychological Record*.

Nobody can grasp the nature of things from an armchair, and until fresh experiments have been performed we do not know what their results will be. (D.E. Broadbent)