THE SOCIAL CREDITER

FOR POLITICAL AND ECONOMIC REALISM

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From Week to Week

The attack on phantom profits shown in the accounts of U.S. manfacturing concerns (as, for instance, the treatment of a rise in replacement values of inventories as profit which is now in progress), is long overdue in this country. Auditors are technically able men in regard to figures; we have direct experience that their grasp of the relation between figures and things is often of the most tenuous. And it is well recognised, but generally suppressed, that the statutory auditor of a limited company, although paid by the shareholders, is first of all the watch-dog of the Inland Revenue, whose first interest is taxation. And the bigger the profits the higher the assessment and tax.

We hazard the estimate that not ten *per cent.* of the management in industrial concerns grasps the situation which proceeds from the accounting fiction that bank balances, price values of materials held, work in progress, and debts receivable are properly homogeneous as a *contra* to liabilities, and we are even more convinced that Sir Stafford Cripps does not approximate to any conception of what the preceding paragraph implies. If he did, he would probably not be where he is.

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"This ancient channel [the Mediæval Church—Editor, *T.S.C.*] once closed, Protestants had to open another, and this led to the deification of the Bible, which before the Reformation, had been supposed to derive its authority from that divine illumination which had enabled the priesthood to infallibly declare the canon of the sacred books. Calvin saw the weak spot in the position of the reformers, and faced it boldly. He maintained the Scripture to be 'self-authenticated, carrying with it its own evidence, and ought not to be made the subject of demonstration and arguments from reason,' and that it should obtain 'the same complete credit and authority from believers as if they heard the very words pronounced by God himself' . . . The expedient was evidently the device of a mercantile community, and the saving to those who accepted it, enormous, but it disintegrated Christendom, and made an organised priesthood impossible."—Brooks Adams, *The English Reformation* in *The Law of Civilisation and Decay.*

Cf. Origen (*Origeniana* p. 162): "If we hold to the letter, and must understand what stands written in the Law after the manner of the Jews and common people, then I should blush to confess aloud that it is God who has given these Laws; then the laws of men appear more excellent and reasonable."

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The repulsive but real explanation or explanations of the new type of Palestine inhabitant known as Sabra, a name taken from the weed-like fruit of the cactus, can be left to the imagination of our readers. But, for sheer impudence, the comment of Mr. Arthur Koestler in the *New York Herald-Tribune,* Paris edition, for December 22, takes a good deal of beating. After describing the frequent occurrence of brown hair and blue eyes, he concludes "The whole phenomenon is a striking confirmation of the theory that environment has a greater formative influence than heredity, and that what we commonly regard as Jewish characteristics are not racial features, but a product of sustained social pressure . . ."

In the words of the Duke of Wellington when addressed as "Mr. Smith, I believe?" "Sir, if you can believe that, you can believe anything."

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Sir John Boyd Orr has been raised to the Peerage. Need we saw more?

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Imagine an African bushman to see a clock for the first time, and to know nothing of the nature of steel springs. To complete the exercise, let us suppose that his mental processes were similar to those of a European.

After examining the clock carefully, he would note that the busiest part of it was the escapement, and the most inert, the spring. With complete justification on the information at his disposal, he would conclude that it was the escapement which drove the clock, and would be confirmed in this opinion by the experimental, or "scientific," method because when he stopped the escapement the clock would stop, and when he started it the clock would go. On the basis of this experience, he would probably build a theory of clocks comparable to Darwin's *Origin of Species* and, until someone devoted a good deal of attention to the elasticity of steel, the theory might have a great vogue.

This little allegory has a good deal of importance, because we believe that it accounts for the determinist concept of history. If you don't know what makes history go, you quite reasonably come to the conclusion that it goes "by itself."

We are satisfied that no explanation of contemporary history makes even approximate sense unless it takes into account the effect of the A + B process in rendering contemporary economic and political phenomena "automatic." They are just as, and no more, automatic, as are the wills of the living individuals who obstruct rectification of the financial system, and the world's problem is a political and military problem, rather than a technical problem just so long as the volitional aberration has not been removed.

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We are not quite sure whether, even formally, the present Administration under which we suffer pretends to constitutional legality or to any mandate other than the abstract power of a gerrymandered majority, but the baselessness of such a claim, if it is made, can easily be exposed by comparison of its actions with the basic principle laid down by Locke in his *Treatise of Civil Government,* a principle which has never openly been questioned:—

"The legislature cannot transfer the power of making laws to any other hands, for it being but a delegated power from the people, they who have it cannot pass it over to others."

Compare this with the thousands of "Orders in Council" having all the force of law, which have issued in a never-ending stream from every Ministry, since 1945.

PARLIAMENT

House of Commons: December 16, 1948.

Legal Aid and Solicitors (Scotland) Bill

(*Debate continued*)

Mr. Henderson Stewart (Fife, East): May I say, first, that the general purpose of this Bill is one which I personally accept? . . . My second observation is that Government speakers are supporting this Bill upon an entirely wrong assumption as to its purpose and future character. The hon. Member for Kilmarnock (Mr. Ross) and the hon. Member for Kelvingrove (Mr. J. L. Williams) said in the plainest language that what they desired was a service of legal advice as a matter of right to the citizen just as, I wanted to interpose, the Health Service is a matter of right. The hon. Member said that it should be like an insurance service. If that is the view of the Government's supporters, sooner or later it will become the view of the Government themselves. That being so, we have got to realise that we are moving into a state where the lawyers and advocates of Scotland will be put in precisely the same position as are doctors under the Health Service, with all the dangers of their being made State servants. I am opposed to doctors becoming State servants, but to make lawyers State servants is to kill and destroy the whole of the traditions of the Scottish legal profession.

If that were the view of the Government, it would be much better if the Lord Advocate told us so tonight, so that we may know what we are doing. If he does not regard this Bill as a Measure leading to a public law service like the Health Service, then he must use the plainest language to disabuse our minds of that doubt. In these matters, I always come in the end to this conclusion. It does not matter what service we try to operate for the benefit of the people—health, education or legal—if we want that service to work, it is surely common sense to say that we must get the co-operation of those who are going to work it. Surely, that is clear. Why do the Government consult with the Trades Union Congress before they take any step with regard to the great problems of labour? They would never dream of introducing a Bill concerning matters of labour without consulting the T.U.C. They would do it, not because the T.U.C. are their friends and paymasters, but, presumably, because the trade union leaders would have to work a Measure concerning labour and working conditions.

Similarly, this measure will not work unless we obtain the sympathy and understanding of the legal profession. At the moment, the legal profession has not displayed any sympathy for or understanding of this Bill. Such evidence as we have is that it has very great doubts about it. Therefore, on the Committee stage we shall have to propose a certain number of Amendments, or ask a number of questions.

I invite the Lord Advocate, who I am sure would desire this Bill to be a success, not only now but in the future, seriously to try to meet the legal profession between now and the next stage, and to discuss the fears in their minds—fears which I thoroughly understand, and, on the present facts, share. . . .

Mr. Emrys Hughes (South Ayrshire): . . . Right throughout this Debate we have heard expressions of horror at the very thought of the legal profession being nationalised. I am not horrified by it.

I listened with great interest to the speech of the hon. and gallant Member for East Renfrew (Major Lloyd). It was not so much a speech as a nightmare. In this nightmare he had the awful vision of the State seizing the lawyer by wig and gown and nationalising him, thus making him a State servant. That is exactly what they have done to the right hon. and learned Gentleman who used to be the Lord Advocate. I have never heard any objection to hon. Gentlemen passing from this House to the courts of justice and becoming judges; I have never heard any objection taken to their becoming State servants. Indeed, the legal profession of this country is dying to be nationalised on terms such as those.

I welcome this Bill as a step towards making honest men of lawyers. To some extent, I do not think it goes far enough towards making the lawyer a respectable member of society and towards raising him to the level of the local medical officer of health or the local sanitary inspector. I see no objection at all to a lawyer being raised to a higher position in regard of his fellows in the community than he occupies today. . . .

. . . I do not understand what objections hon. and gallant Members will have to a Bill of this kind when they consider how litigation works in the Services. . . .

Mr. Gallacher (Fife, West): . . . We have introduced a Measure whereby every citizen is allowed to have a doctor. If they wish to choose a particular doctor and pay for him, well and good, but any citizen can have a doctor or specialist just as, under this Bill, any citizen should be able to get a solicitor or barrister. Why should not the same apply in regard to legal matters as applies in regard to health matters? When the Government have had the experience which they have had on the working of the poor man's lawyer, I cannot see why they do not take the broad wide sweep and make the thing really efficient. We should aim at a national scheme in the broadest possible character. . . .

Lieut.-Colonel Elliot (Scottish Universities): . . . I think it is worth while to call the attention of the House to the very different treatment which was extended to the profession in England. It is true that my right hon. and learned Friend the Member for West Derby (Sir D. Maxwell Fyfe) welcomed the Bill and drew attention to the close co-operation there had been between the profession and those bringing forward the scheme. He was, however, only dotting the i's and crossing the t's of the statement which had been made by the Attorney-General. In yesterday's *Hansard* the Attorney-General is reported as saying:

> "The Government have received the fullest support from both branches of the profession."

He had said earlier:

> "It was necessary to obtain the consent of the Law Society and of the Bar Council to undertake the very responsible and onerous duties which the proposals would impose upon them . . . This Bill is the result of the work done between the two branches of the profession and the Government in order to implement the proposals of the Rushcliffe Committee.—[OFFICIAL REPORT, December, 15, 1948; Vol. 459, c. 1233.]

The position in Scotland, as we have to deal with it tonight is quite different. We have here the criticism of the Writers to the Signet. We have all read the protests of the Dean of the faculty of Advocates. I have here a telegram

from the Society of Law Agents saying that they protest emphatically at being given insufficient time to consider Part I of the Legal Aid Bill and asking for postponement. When the Writers to the Signet, the Dean of the Faculty of Advocates, the Law Agents' Society all protest to us within the last few hours—and I have no doubt to other hon. Members —it is clear that a position exists quite different from that outlined by the English Attorney-General, on which he received the compliment and support of my right hon. and learned Friend the Member for West Derby. . . .

. . . My hon. and gallant Friend the Member for Eastern Renfrew (Major Lloyd) spoke with some heat on this subject, and I think he was entitled to, more particularly because of the speeches which were delivered afterwards; because if ever speeches were delivered suggesting the entire subordination of the legal system to the will of the Secretary of State for Scotland, they were the speeches that were delivered by subsequent speakers. Those who say that the legal profession should be subject to Parliament or this House are bringing in very novel and far-reaching doctrines.

The hon. Member for South Ayrshire said that Lord Reid had been nationalised and that he was in the position in which all lawyers should be. But he is not yet subject to regulations made by the Secretary of State for Scotland. I can imagine the arguments that my right hon. and learned Friend the Member for West Derby would address to this House if it were proposed to make His Majesty's judges subject to regulations to be prescribed by the head of the Executive, however powerful he might be. Wars have been fought on this, and heads have rolled. These are dangerous doctrines to bring forward in connection with a Bill with whose objects we all sympathise—the object that nobody should be debarred by lack of money from access to the courts of justice of this country.

Some of the arguments which were brought forward by the hon. and learned Member for North Edinburgh (Mr. Willis) in defence of the Bill were more wounding than any attacks on it. He said that the new provisions under which people are working, the new Acts which they had to understand, are so complicated that without legal aid they cannot understand them at all. He said that the Rent Restriction Acts and the Town and Country Planning Act—that darling of the Government—mean that we have to introduce a legal system to enable people to get along despite these new lions in their path, because it is impossible for the ordinary citizen to understand them at all. I rather fear this new principle that first of all the Government make laws so complicated that nobody can understand them, and then introduce a free legal system so that they can be explained. I would suggest that the short cut may be not to introduce these laws, and then everybody would be much happier.

The hon. Member for Tradeston (Mr. Rankin) spoke of this Bill as a Bill of an exploratory nature. It is not of an exploratory nature in Scotland. As the Solicitor-General himself has said, we have been working under a procedure of this kind for 500 years in Scotland, and one of the points made by the profession in Scotland is that we should not attempt to sweep away so much of it as they think this Bill attempts to sweep away simply because a very learned Committee has reported on the subject in England. . . .

. . . Even the suggestion of bringing the solicitors into a single organisations under Part II of the Bill follows quite closely the Bill which was introduced by Lord Normand in the last Session and which, in turn, was based on a Bill introduced before the war, and which got its Second Reading in 1938 but was stopped by the oncoming of the war.

In Scotland we have done our best to assure the access of the citizens to the courts. This is a development along historical lines and should be so treated. There are, of course, many points which we should like to raise in Committee and on which we shall, no doubt, have to lay considerable emphasis; the position, for instance, of certain of the solicitors under the Bill is one which will need very careful examination. But the fundamental principles which have been brought forward are principles which have been mooted and, in many cases, agreed to in principle, in Scotland for many years. But the translation of them into practice and into the Clauses of a Bill have undoubtedly led to a great deal of anxiety and uneasiness in legal circles in Scotland, not because it is going to mean hardship for the lawyers but because it is going to mean the weakening of the liberties of the people. If the executive becomes supreme over the judiciary, then the last barrier to free society has been swept away; and in so far as the Secretary of State and other executive officers find that it is beginning to be possible to bring the lawyers of our country into one group, and then to make regulations under which that group has to operate, that is undoubtedly a step towards that dangerous end.

The Cameron Committee suggested as a safeguard that an advisory committee should be closely associated with the working of the scheme—an advisory committee of three members of the Faculty of Advocates, three solicitors and three independent members to advise and consult with the Lord President. I do not know whether that advisory committee finds a place in the new scheme or whether it could be introduced into the scheme, but the new relations——

Mr. McAllister: Before the right. hon. and gallant Gentleman leaves that point, which has been made by several speakers in the course of this Debate, is it really true that anywhere in this Bill there is the slightest interference with the judiciary? There is some help to lawyers but nothing that conceivably interferes with the judiciary.

Lieut.-Colonel Elliot: It was not I who said that Lord Reid had been nationalised. It was a supporter of the Bill who said that one of the highest leading legal officers in the land was a nationalised judge—and then went on to emphasise that and what he would like it to lead to. I was saying that from these incautious remarks we could see the way that some, at any rate, of the supporters of this Bill wish to go, and I said that in so far as the Secretary of State, a political officer, assumed control over a great portion of the legal machinery of Scotland, we were moving towards that end. I do not think that anyone can say that it is a step away from it.

I believe that the difficulty of the relationship of the highest executive to the machinery of the law is a relationship which will need some further thinking out. I find the position of the Lord Chancellor in relation to the new tribunals a very difficult and obscure position. I am sure that

(*Continued on page* 6.)

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Roosevelt's 'War on the Courts'

IN SLAVISH COUNTRIES, THE PRINCE ALONE SPEAKS, AMIDST UNIVERSAL SILENCE: HE DICTATES THE PROCLAMATIONS OF AUTHORITIES, THE SENTENCES OF THE TRIBUNALS; HE EVEN INSPIRES THE LANGUAGE TO BE UTTERED FROM THE PULPIT OR THE CONFESSIONAL; BECAUSE THE DISPOSAL OF THE REVENUE IS AT HIS WILL, HE APPEARS AS A DISPENSING PROVIDENCE; AND MAKES THE PEOPLE BELIEVE HE GIVES ALL THAT HE DOES NOT TAKE FROM THEM.—J. C. L. de Sismondi: *A History of the Italian Republics.*

Although international copyright depends on no system of law or universally accepted principle, it appears that we are under some degree of prohibition in publishing such extensive extracts as, in our opinion, should be immediately available in England from Mr. John T. Flynn's book, *The Roosevelt Myth.* There have been several instances lately of the delayed appearance of American books, and as yet there has been no announcement of the publication of an edition of *The Roosevelt Myth* by a British publisher. This is unfortunate for many reasons, but particularly because the book's elaborate treatment of Roosevelt's 'War on the Courts' is highly relevant to the quarrel now developing between lawyers and the Administration here, and is evidential concerning the necessity (and, consequentially, the purpose) of totalitarian Administrations and of Administrations tending to totalitarianism to annihilate opposition from a social power incompletely controlled by the law-makers. It is, of course, entirely in keeping with the necessities of centralised Power, that understanding of its actions should, if possible, not anticipate their coming into effect. Such aids as are necessary to ensure maximum observance of this requirement have, at present, a one-way street open before them, along which they can move unimpeded. Roosevelt's Supreme Court packing plan appeared to have its origin in the annulment by the Court of the NRA, and he smarted under the resistance he evoked. That takes us back to 1937.

As de Jouvenel observes, "The absence in Society of any concrete authorities capable of restraining Power does not matter if Power itself makes its humble submission before the abstract force of the Natural Law." But, " if Law is anything which Power elaborates, how can it ever be to it a hindrance, a guide or a judge?"

With increasing emphasis, every regime in this country since Cromwell has repudiated any submission whatsoever to 'the abstract force of the Natural Law.' It is an inseparable feature of the process that the means employed to establish the reign of not-Law are breaches of Law.

Every attempt to substitute a fiction for a fact enshrines the fact. There need be no memorable inscriptions on public statues unless they appeal to a reality which is incarnate in the minds of the people who read them. "Franklin Delano Roosevelt: He obtained power over you by deceit, and thereby enhanced the Power of Evil" would serve as well as any other, for its truth has to be real to disqualify it.

The year which is beginning already shows a disposition to attend to such matters. If anyone doubts it, let him take notice of the hesitant probings of the Lord Advocate into the reasons for the shift of opinion within twenty-four hours in the House of Commons. The Scottish Members had it almost on the tip of their tongues to answer: "We awoke while the English slept." The Lord Advocate asked for it. Almost one begins to see the features of the Monster as Cicero saw them:—"There is no government to which I should more quickly deny the title of commonwealth than one in which everything is subject to the power of the multitude. For as we have decided that there was no commonwealth at Syracuse or at Agrigentum or at Athens when those cities were ruled by tyrants, or here at Rome when the decemvirs were in power, I cannot see how the name of commonwealth would be any more applicable to the despotism of the multitude. For in the first place a people exists only when the individuals who form it are held together by a partnership in Justice, according to your excellent definition, Scipio. But such a gathering as you have mentioned is just as surely a tyrant as if it were a single person, and an even more cruel tyrant, because there can be nothing more horrible than that monster which falsely assumes the name and appearance of a people."

Social Credit Secretariat

EXAMINATION FOR ASSOCIATES' CERTIFICATE, November, 1947, (Home)

The following candidates have satisfied the Examiners:

John William Coward
Harry F. Marfleet
William Wilson

(Signed) B. M. PALMER, Director.

The Examination paper set was as follows:—

EXAMINATION FOR THE DIPLOMA OF ASSOCIATE

Examiners: Hewlett Edwards, Tudor Jones, H. R. Purchase.
N.B.—Candidates must attempt to answer all the questions.

QUESTION ONE

Using the term in the same sense as in the phrase, "The body of doctrine called 'Social Credit' ", what body of doctrine current today conflicts with the general argument embodied in "The Realistic Position of the Church of England?" Define briefly the doctrine you name, if any, and define clearly the point of conflict.

QUESTION TWO

Do you think the period of crisis described in the last chapter of "Social Credit" has passed, or is present, or lies still in the future? Support your opinion by reference to not more than three *objective* reasons for it. (For the guidance of candidates, the fact that the Secretariat continues to operate would be considered by the examiners to be a circumstantial, not an objective reason for the view that the time has not passed.)

QUESTION THREE

In line with the assumption that you would favour the substitution of an "open" for a "secret" ballot as part of our present system of representation on public bodies, write six grounds for your preference, as though to a correspondent who challenges it.

QUESTION FOUR

Does an inherent distinction exist, as between Agriculture and all other forms of industry? Centre your answer around instances, if any, of interest from the point of the National Dividend.

CALLING THE BLUFF

By Norman F. Webb

Notwithstanding the unpleasant aspect of the immediate proposition involved, we consider our contributor's arguments to be weighty and realistic, and we print them as a contrast to the false picture presented to us by official agencies. The paper was read at a recent meeting in support of the proposal that the British should abandon the defence of Berlin.—Editor, *T.S.C.*

I have undertaken to oppose the proposition that British troops should stay in Berlin in the present unnatural and exhausting effort to prevent Russia from consolidating her position in Eastern Germany.

The objections to such a move are obvious and serious. No matter how it came about, Western prestige and morale would have to sustain a severe shock. And there is no doubt that, for a time at least, British and American influence in Western Germany would sink very low indeed, if the Berliners, and all their resistance stands for, were to be let down.

Yet we must be realists in this matter (a statement which usually precedes some particularly dirty proposal—I say, usually, but not inevitably); and this means that we should try and find out what the defence of Berlin actually means. To get at this, I think you must take it as a symbol; as symbolical of the dominance of a United States World Policy and Great Britain's subservience to it. There may be no harm in this, if the policy of the U.S.A. is built on a basis of realism—in other words, if it's a sound policy. But is it?

The fact that determines the world situation today is the presence of two points of view,—that of the United States, and that of Russia—and the complete absence of a third, and very necessary one, that of the British Commonwealth of Nations. Let us be quite frank about it, the average American is taught to regard us as foreigners, as Continentals. We are almost as European to them as the French, or the Swedes. The teaching in their schools has always ignored the existence of a British Empire—except in the guise of a rather disreputable commercial ramp, of which, whether we are or not, we should be ashamed.

From this point of view, then, there are broadly speaking, only two factors to be considered, the United States and Russia. And the rest of the world, including ourselves, merely represent the field of operations upon which these two face one another. This, it is obvious, is a somewhat narrow and unbalanced point of view, and therefore, it is not unlikely that the policy based on it might easily turn out to be unrealistic, even perhaps, unrealizable. In which case, our determination to abandon the defence of Berlin, symbolizing, as it would, Great Britain's assertion of a policy of her own, while tragic for the Berliners, would automatically introduce the much-needed third factor into the world picture, greatly to its improvement.

Such a move, however, does not necessarily imply that Great Britain would no longer help Europe to pull herself together; she could not possibly afford to abandon her. But it would mean that the assistance was given from *outside*, as it has always been in the past, and not from inside, where the policy-makers of the U.S.A., for a great many reasons, none of them very creditable, would have her.

The effect of this might be either one of two things. Either it would re-establish the fact of three major world powers, which undeniably existed at the end of the War; at the time when Sir Stafford Cripps is supposed to have got "the green light" from the British electorate "to liquidate the Empire."

Or else it might mean that the United States and Russia retained their places as the major political parties, with the British Commonwealth as an independent minority party effectively holding the balance between them. In either case it could hardly be argued that Great Britain would not be of more real help to Europe as head of a widespread Commonwealth, than merely as a member State inside a federated Europe.

Could such an internally pro-British policy be successful?

I want to make it clear that I am not proposing a third, and rival plan for a British Empire. I am suggesting merely a self-interested policy for those areas of the world owing allegiance to the British Crown—"a place in the sun" for them along with everyone else. I distrust Planning entirely, and World Plans in particular, and all I am trying to do is to imagine what might be expected to follow upon a particular event,—refusal on our part to allow ourselves to be submerged in a United States of Europe on the American pattern, and under the undisputed economic control of the U.S.A. However grand such a federation may look on paper, it is only a plan, and the British Empire is a fact, even if it has been overlooked in the American history books. Could such a move have a successful outcome? Or would it mean the immediate overrunning of Western Europe by the Russians?

The American aim—I don't think that British statesmanship at the moment can be said to have an aim at all, unless we can call the abject giving-in to all the economic threats of the United States an aim—is to hold Russia by means of a Western coalition of States built round Great Britain. As I have tried to show, the assertion of a pro-British policy which we are assuming, does not mean the abandonment of the attempt to hold Russia in the present Western line, but the shifting of the executive centre of that attempt from London on to the Continent of Europe. But if the Federation of Europe is not to be built round us, who or what is to be its effective centre? I think there is only one answer to that question, and that is France, under a strong man. And in the whole of Europe—whether we like the idea or not,—there is only one even potentially strong man visible, and that is Charles de Gaulle.

I don't fancy de Gaulle any more than most of us. But if you consider him, it is a fact that he combines a great many of the qualities asked for by the situation I am trying to imagine. For he is sufficiently independent in spirit to be what is called anti-American. I could wish some of our statesmen were as independent. He is even anti-British, in the sense that he resents the suggestion to organise the Continent from London, and would welcome any resolution on our part not to merge ourselves in Europe. He is an unpleasantly jealous man, but quite possibly in a good sense rather than the bad sense of that word. And if ours and France's policies were found to be complimentary, he might easily prove a very good ally.

It is a big assumption, of course, that he would turn

out to be enough of a statesman to hold Western Europe together. But no one can deny that he is anti-Russian, and his freedom from the narrow, ideological attitude of the Socialists towards Spain might pave the way to a Western alliance. It is permissable to assume that he would have the backing of a consolidated British Commonwealth behind him in his task; and as well, Spain, and an Italy with possibly some of her North African possessions returned to her. Nevertheless, it is a big assumption.

Now, the arguments against Britain being able to make a stand where the United States is concerned, is, of course, our supposed dependence, abject and complete, on Marshall Aid. It appears to me that one of the best points about de Gaulle is his refusal to be frightened by this threat. In Great Britain it is an obsession, the threat of the economic blockade from the United States.

Economically, the thinking of this country is completely dominated and cowed, and there is not a politician of either complexion, Socialist or Conservative, with the guts to stand up to the mental pressure. Nothing will persuade me that the British Commonwealth is not capable of economic independence. If it isn't, then no part of the world is.

What would be the immediate effect of an assertion of independence on our part? An immediate threat to cut off Marshall Aid supplies.

And what would be the effect of that, if the issue were squarely faced? Inevitably, I think, the result would be to bring about the very thing we most want; the drawing-together of the areas comprising the British Commonwealth, to devise means to meet the effects of the threatened blockade. And the result of that, I am convinced, would be to bring out in strong relief, as nothing else possibly could, the dependence of the unrealistic economy of the United States upon the markets of Great Britain and the Commonwealth countries, which is so studiously hidden from us at present. For post-war America fears a glut of goods—which as the economic world now works, means a slump in values —as much as, if not more than, we fear starvation, and in consequence is as dependent on a mad policy of export as are we. That is the essence of the American bluff.

This was the line we should have taken immediately following the war. But things happened with such rapidity that there was no time for proper consideration. The Labour victory of '45, which, whatever else it may turn out to have been, was a move in an anti-imperial direction—Cripps, the Empire-liquidator, in office,—and then, hard on its heels, the rushed-through economic agreement of Bretton Woods, which, whether you regard these moves as accidents or, as I definitely do, the manoeuvres of interested parties, certainly had the effect of preventing any economic consolidation of the Commonwealth countries. And it did more, for it planted the U.S.A. on the top of the world, and in a position from which she could exert force—and is exerting it—to drive this country along the narrow path that leads to absorption in a federated Europe; thus leaving the British Commonwealth of Nations without a real head or rallying point.

Another unfortunate result of the present Anglo-American policy in Europe, and its concentration on the defence of Berlin, is that it is at the expense of Anglo-American co-operation in the Far East, and Middle Eastern fields. In both of these Great Britain has been, and is being, consistently let down by Washington; indeed the lack of a united front on the part of our two governments constitutes an open invitation to Russia to go right in there.

A good many people, it is true, have seen the coming clash between the United States and Russia taking place in the Far East. Recent events do not bear this out, however. Though I am not a studier of Bible prophecy, my own instinct has plumped for the Middle East as the seat of Armageddon. Things are happening there with considerable rapidity, while we are invited to keep our eyes on the mounting tonnages of the Air-lift. Oil is vital to warfare, and so are mineral salt, and both are concentrated in the Middle East. And nothing is more likely or possible, I think, than that Russia would suddenly sweep down through Turkey and Persia, and find Palestine in the possession of an already Sovietized population from North East Europe, and even Russia itself—embryo Molotovs and Vyshinskys sitting astride our pipe-lines!

Perhaps Sir Stafford Cripps thinks it doesn't matter. But I am not convinced that the British Empire isn't something worth while preserving, if it can be preserved—even worth the average American's while. And I am further convinced that if it is lost, it will be in the Middle East, and for lack of American co-operation. But if Great Britain were to make a stand against the destiny that Washington seems to have planned for her in Europe, and which we are assuming for the purpose of this debate is symbolized by the defence of Berlin, and were to become self-interested for a change, the whole world scene might undergo an alteration also. For such a change of policy, on our part, inevitably involves an arbitrary scrapping of the Bretton Woods undertaking, as well as an invitation to the Marshall Aiders to come on and do their worst, which, if it meant stopping the export of goods to Great Britain and Europe, is the last thing they want to do. It would take courage, and a united front in the beginning, but once challenged I know that the whole situation would be found to be no more than a huge economic bluff; and the only way to deal with bluffs is to call them.

PARLIAMENT (*continued from page* 3.)

all this will need some thinking out in Scotland, where the fact that we are linked together with the Lord Chancellor, who is a very special kind of officer and who has no opposite number in Scotland, has led us in numerous Acts—coal and gas and many others—into a rather awkward position. I am not at all sure that some new body should not re-define the position of our great officers the Lord President of the Court of Session, the Lord Advocate for Scotland, the Secretary of State and former Keeper of the King's Seal—whether some re-definition of their relationship will not be needed to be worked out before we finish with the new position in which the executive and the judiciary are finding themselves.

For the present, we strongly request that the Lord Advocate will give us an undertaking that the Bill will not be proceeded with before February; and we also request that the financial Resolution should be held over. . . .

The Lord Advocate (*Mr. John Wheatley*): . . . The moderate and more responsible members of the Opposition have indicated quite clearly that, consistent with the new view held in Scotland, there is more or less general approval

for the underlying principles of this Bill. That, I think, cannot be stressed too strongly. . . .

. . . The Bill is designed in the interests of the public. Let us be quite clear about that. That is the one underlying fundamental principle of the Bill. It is not a Bill designed in the interests of the legal profession as such; they are, I think, inherent beneficiaries under the scheme, but the principal purpose of the Bill is the interests of the public, to give them freer and more uninhibited access to our courts of justice. The scheme will be operated by the legal profession in a manner unique in our constitution, because, subject to certain financial safeguards, which will be governed by regulations, the Government will hand over a very substantial sum of money to the legal profession to allow it to operate the scheme on its own.

I ask hon. Members opposite who have taken the view that we are making the legal profession State servants—as if that were a crime; but I do not want to argue that point in this Debate—to take note of the fact that, subject to certain restrictions so far as the financial expenditure is concerned—because, after all, we are responsible to Parliament for the expenditure of that money—a very substantial sum of money is being handed to the legal profession to allow them to operate this scheme on their own. . . .

. . . While I am sure the Bill is now welcomed by all sides of the House and by the general public in Scotland, despite what may have appeared in the Press, a certain degree of apprehension has been expressed as a result of certain letters in the Scottish Press, certain statements made by individual solicitors in Scotland, and by certain articles appearing in the Press consequential upon those different letters and statements.

Lieut.-Colonel Elliot: The right hon. and learned Gentleman will admit that representations have also been made by organisations of high legal standing?

The Lord Advocate: I was coming on to deal with that, because the representations which are made by the organisations are representations in relation to the machinery of the scheme. They do not impute to the promoters of this Bill the motives that are being imputed, at least by certain writers to the Press and by certain writers of leading articles in the Press. That is the vital distinction. The hon. and gallant Member for West Edinburgh (Lieut.-Commander Hutchison) said that he was appalled at the reception this Bill had got in the Press. Well, so was I; and when I tell my story perhaps hon. Members on both sides will appreciate why I was appalled. If there was a distinct grievance on the part of the legal profession, I leave it to hon. Members to decide whether I did not have an equal grievance.

Some of these criticisms proceeded from a misapprehension of the true facts of the Bill. Some are definitely based on bigoted anti-Government feeling.

Major Lloyd: Why not?

The Lord Advocate: The hon. and gallant Member says, "Why not?" and accordingly he is an advocate of bigoted anti-Government feeling. Characteristic of the latter, although I am sure the hon. and gallant Member was not the author, are the views expressed by a correspondent in *The Scotsman*, writing from the Advocate's Library in Edinburgh, stating that it is high time to protest strongly against the Labour Government's attempt to foist a system of legal aid in Scotland without consulting the legal profession. He goes on to query this *faux pas* on their part as just further proof of the fact that those responsible have no background or tradition of governance behind them. He signs himself "Advocatus," thereby disclosing his classical education, but he has not the courage to come out in the open to support his bigoted views, preferring to seek refuge under a cloak of anonymity. Characteristic of some of the other criticism is that we are Anglicising Scottish law, or that we are Sovietising it. I do not know whether the terms are supposed to be synonymous or not, but they are sheer unthinking propaganda directed against the Government without the slightest justification for this vicious campaign. . . .

. . . The Rushcliffe Report was published in May, 1945, and in November, 1945, the Cameron Committee was set up to frame a corresponding scheme for Scotland, based on the general principles of the Rushcliffe Report. If there had been objection taken to the limitation of the terms of reference, that was the time for the exception to be taken, and not following the issue of the Report and the subsequent formulation of a Bill based on that Report. Therefore, I can accept no responsibility whatsoever for the facts that have emerged. If there is any responsibility in this House for the limitations of the terms of reference of the Cameron Committee, it must be shared equally by all Scottish Members.

The Cameron Report was issued in May, 1946, and I wish to make two observations on that Report. Despite the apparent restrictions in terms of reference, the Committee were restricted only in two matters—the fundamental principle of the extension of the existing scheme of legal aid for the poor, and the financial limitations within which legal aid would be provided. Beyond that, it was only a question of dovetailing the Scottish machinery to fit it in with the extended system of legal aid. Members will remember that the Cameron Committee proceeded on the basis of building up on the existing structure and of extending it. That is what they recommended, and that is what we have done, subject to a number of alterations in the machinery, to which I shall make reference.

The recommendations of the committee have, by and large, been adopted in this proposed scheme, and any difference has been mainly in machinery. Since May, 1946, the legal profession has been aware of these provisions and has had time to consider and digest them. Any scheme based on that Report cannot be said to have come out of the blue, and the fact that it has not been adopted *simpliciter* is no cause for describing the scheme on which it is based as hasty and ill-advised. [He went on to detail what consultations took place.]

. . . We are told that we are Anglicising our law, and even Sovietising it, that there is something dark and sinister in the proposals, that the proposals are being unduly rushed, and that this is another example of the Labour Government's attempt to foist a system of legal aid on the profession with hidden motives underlying it.

Major Lloyd: Hear, hear.

The Lord Advocate: "Hear, hear," says the hon. and gallant Member. I should just like to test that. It is interesting to note that the counterpart measure for England,

which is on exactly parallel terms, fitted to the structure of law in England with all the matters available to it that are available to our Bill, with the exception that it is the Lord Chancellor who will make the regulations and not the Secretary of State, was warmly welcomed by all sides of the House yesterday, and in particular by the right hon. and learned Member for West Derby (Sir D. Maxwell Fyfe) and the hon. and learned Member for Daventry (Mr. Manningham-Buller). May I quote what the latter in fact said in the course of the Debate? He started off by saying:

"I think that the House will agree this Bill has received as cordial a welcome as any legal Bill is likely to receive from a whole body of lawyers."

He goes on later:

"It is one of the few Bills introduced by this Government to which I can give almost unqualified support."

Further on he says:

"I can say with confidence that had we on this side been the Government since 1945, we would certainly have introduced a Measure of this sort at the earliest opportunity."—[OFFICIAL REPORT, 15th December, 1948; Vol. 459, c. 1314.]

The complaint is not that the Bill has been hurried too much; it is that it was not introduced earlier. The complaint is not that this Measure is full of dark and sinister designs, but is one which the Conservative Party would have introduced for Scotland had they been in power since 1945. I ask the hon. and gallant Gentleman to reconcile that with his conscience and, if he has any difficulty, to have a consultation with his hon. and learned Friend——

Major Lloyd: My hon. and learned Friend was speaking about the English Bill. I am referring to the Scottish Bill and representations with people in Scotland, which is a different matter.

The Lord Advocate: I was dealing with the hon. and gallant Gentleman's own views, in so far as he was capable of formulating them at all.

Mr. Gallacher: Why say that the hon. and gallant Member for East Renfrew (Major Lloyd) has a conscience?

The Lord Advocate: I ask Members opposite to face this question; Is it likely that a Measure which Sovietised the law would have the approval of the learned Members—and I mean "learned" in the best sense of the word—to whom I have referred? . . . The principle feeling seems to be about Clause 11 (1) which empowers the Secretary of State to make regulations

" . . . for giving effect to this part of this Act or for preventing abuses thereof."

What are these powers, and by whom should they be excercised. The framework of the Scheme provides regulations of two kinds—the first to increase the scope of the Bill, which are subject to affirmative Resolution procedure, to which I am sure there is no objection whatsoever; the second to give administrative effect to the scheme, which are subject to negative Resolution procedure. Following the recommendations of the Cameron Committee the Bill has been framed in general terms to provide elasticity for the scheme, which should be capable of simple and rapid amendment. Changes which will inevitably occur as the administration develops should be laid before Parliament by regulation, to obviate the need to bring forward an amending Bill.

What are the regulations required for? These are the regulations which, it is said, are affecting the whole life and future of the legal profession in Scotland: The regulations which the Secretary of State will be called upon to make under the negative Resolution procedure will be found in Clause 2 (4) and Clause 2 (5), which deal with the question of effecting the appropriate court or tribunal which will determine how much expenses will be paid by the unsuccessful litigant, and the extent to which any such determination is to be final—*i.e.* if there is to be advantage it may be necessary to have a time limit within which the successful party can come back and say that conditions have altered to such an extent that he is entitled to his full expenses, and not only to part expenses as originally decided . . . When we examine the nature of the powers said to be exercised by these regulations the feeling that they are sinister should be dispelled, because an officer of State, responsible to Parliament, is given power to make regulations which are primarily and substantially designed to control the finances of the scheme.

Provision is made to formulate the scheme. As to whether Clauses like Clause 11 (1) require any amendment to make it clear that no sinister powers are being sought by the Secretary of State that can be considered in Committee. Let me say, here and now, that the Bill will not come before the Scottish Grand Committee until February. If the Bill is agreed in principle discussions will take place in Committee. . . .

Question put, and agreed to.

Bill committed to the Scottish Standing Committee.

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