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Mr. Macmillan: A Curious Report

A foreign correspondent (Norwegian) sends us the following from *The Western Producer* (Saskatoon) May, 11, 1961. It is "Notes and Comments", by A. P. Waldron, and reads—

"Harold Macmillan Speaks:

"After the Prime Minister of Great Britain, Harold Macmillan, had visited President Kennedy in Washington, he went on to fill an engagement at the Massachusetts Institute of Technology which was celebrating its centennial. He was billed to deliver one of the more important addresses to that august assemblage and it seemed obvious that what he would have to say in these circumstances would be important. For Mr. Macmillan is not only an eminent individual in his own right, as the head of the government of a leading member of NATO he is at the very centre of affairs, with the power and authority to act as well as to talk. For our part we were anxious to read his speech in full. It is perhaps a revealing commentary on the press that we searched in vain for a full report of what Mr. Macmillan said. More surprising is the fact that a prominent journalist in London complains that even the British papers failed to give adequate coverage to their Prime Minister's remarks, even though the fact that he was to speak had been announced weeks in advance. We don't know how this kind of oversight - if oversight it was - can be explained, but we do know that fifty years ago an utterance of such a man on such an occasion would have been carried verbatim in every newspaper of repute. However we waited and our patience was ultimately rewarded by receipt of a word for word report from Whitehall."

[We abstract]—

"Macmillan:

"So far I have spoken of unity in the context of military alliances. Is this enough? Surely not - and for this simple reason. Happily the present struggle in the world is not primarily a military one. The real test will not be on the battle-field but in the market-place. It is now almost fifteen years since the main structure of our present system for world trade and payments was designed. That was in the heyday of the East-West war alliance. The founders of GATT, the signatories of Bretton Woods and all the architects of our post-war system could not foresee the full economic effects . . . We all still think too cautiously, and too parochially . . . Many new and vital ideas are now being discussed by practical men which a few years ago would have been dismissed as impractical dreams. Some of these policies and plans would be quite revolutionary in their effects. Others are more in the nature of palliatives.

"Trade and aid are very important. But the medium for both must be money - enough money. Of course economists are apt to make heavy weather about money. Naturally - it's their mystery . . .

"Is there enough money? World trade has expanded four times in terms of money since before the last war. Yet the free world credit base is only twice as big. No wonder some argue that we just have not got enough reserves in total and must create more so as to finance expanding trade. All sorts of remedies have been suggested. The main difficulty about many of them is what I might call the mental hurdles which they present. It is normal to think of money as something painfully acquired, a dollar represents so many drops of sweat or so many ulcers. There seems to be something immoral in increasing the credit base by mutual agreement. It is done often enough in our internal economies, but the extension to the international field is hard to swallow. All the same I repeat, expanding trade needs expanding money . . .

"We must use the energy and abundance of our free enterprise system to transform our economic life. Above all, we must try to jump - even the older ones among us - the mental hurdles. If the political leaders in the great countries of the world have but the will, the experts will doubtless find the way or rather several ways - for us to choose from. But we must have the will."

We are trying to get confirmation of the textual accuracy of the above from Canada. —(EDITOR, T.S.C.)

Contemporary Gibbonish

By C. H. DOUGLAS

(Originally published in *The Social Creditor*, Jan. 5, 1946)

It is part of the charlatanry with which "scientific" thinking is now affected, to suggest that history automatically repeats itself. As a consequence of this, the fact that the Egyptian, Greek, Roman, Byzantine and other great civilisations all had their rise and fall (or at any rate, are presented to us in that aspect) is supposed to be evidence that, e.g., the British Empire must inevitably go the same way. The implication is of course Masonic; Nations and Empires are supposed to be merely repetitions, macrocosms, of the individual man, the microcosm, and to have their infancy, manhood and decline in the same manner, but over a greater duration, as that exhibited by the human being.

If there were no other grounds for objections to this theory, and there are many, anyone whose senses are not

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Secret Ballot

Under the above heading, the following letter appeared in *Truth*, December 13, 1946—

SIR,—Your correspondent, Mr. Clifford Rivington, appears to overlook a number of factors, many of them highly technical, which make it altogether too superficial to “agree that a genuinely secret ballot is the bedrock of political freedom.” It may easily be exactly the reverse. The first of these factors was the fundamental cause of the American Revolution, and it is operating in this country today. It is the assumption that anyone can vote about anything, or anybody, and that a genuine mandate is thereby conferred upon Parliament, which Parliament can delegate to a Cabinet, upon which it confers the right to legislate without limitation by Common Law, or as the American colonists called it, “natural” law.

“The Common Good,” always invoked by tyrants, is the excuse given for the transfer by a legal process, which inverts the protection given by Common Law, of privileges acquired by individuals to a bureaucracy subject to a junta whose primary concern is to retain power. The secret ballot is a most ingenious method of facilitating this process by attributing power to an electorate which cannot exercise it, and suffers collectively, not for its unidentifiable vote, but for the deterioration of morale which always accompanies the divorce of power from responsibility. Many, if not most, of our political premises demand serious reconsideration; and the real nature of our so-called democracy stands high upon the list.

—C. H. DOUGLAS

The Common Law

Traditional Rights in a Collective Age

By the RT. HON. SIR HENRY SLESSER*

“The common law is nothing else but reason,” declared the great judge Coke at a time when it was in almost as great a peril as it is today, though for different reasons. The then fashionable desire to exalt personal sovereignty, which arose in repudiation of the medieval idea that the law was over all, had resulted in the surrender of many libertarian notions in the administration of justice; the inclination to continental principles of Roman law was exemplified in the Star Chamber Court and in the resurrection of notions of royal prerogative. The defeat of the claims of James II, pointing in a similar direction, enabled England to maintain the ancient traditional system of jurisprudence, dating from Saxon times, that spread throughout the whole Anglo-Saxon world, to the United States, and to the British Dominions. For nearly two centuries the common law stood unquestioned as the guardian of English rights; even radicals such as Wilkes based their claims upon it, as did other men so different in political outlook as Cobbett and the Chartists. It was the one subject on which nearly all Englishmen were agreed.

Of late years, however, a change has come over the juristic scene; the desire to effect alterations in the social structure has led to a vast spate of legislation in every field challenging the old static notions of legal right. Courts of law have been said to be incompetent to deal sufficiently speedily with modern problems. In many departments of State activity tribunals of varying kinds, administered often by persons untrained in judicial determination, have been created by statute and even by regulation or order. The power of the King’s Bench to control such quasi-judicial bodies when they err in law by the old machinery of *certiorari* or *prohibition* has in some cases been deliberately removed. Examples are to be found in housing legislation and in many other laws; the immemorial right of a man to appear by counsel or solicitor is often specifically forbidden; local authorities, elected for administrative purposes, with no necessary knowledge of the juridical art, have been entrusted with purely judicial duties, as, for instance, in the case of the determination of what constitutes an “extortionate rent”—decisions which may have legal and personal consequences to an impeached landlord. Over and above all, the tradition in which the common law has been nurtured, that of respect for previous decisions in order to find the principles to be applied to a particular case and to ensure certainty, has no established place in these new tribunals, which may or may not keep records of their previous determinations but certainly are under no obligation to follow them.

An outstanding illustration, soon to be tested in practice, arises under the new industrial injuries measure, which is to supplant the statutes dealing with workmen’s compensation. Under the old law the Court of Appeal and the House of Lords have for years been concerned to lay down a *corpus*

* This authoritative article originally appeared in *The Times*, August 9, 1946 and, with the permission of both the author and publisher was printed in these pages shortly afterwards. It is repeated for the benefit of those who have no ready access to back numbers.

of principle whereby judges of fact may determine whether an accident "arises out of and in the course of employment." A similar limitation of right, in similar words, appears in the new insurance statute. But will the new statutory tribunal be guided by the accumulated wisdom of the judges on this matter? We do not know, but there is no compulsion for it to do so.

Another disquieting feature is to be found in the curtailment of the independence of the judicial office. The reduction of the salaries of the judges in 1931, not by Act of Parliament but by an Order made under statute, caused much perturbation among jurists. It was pointed out that such a procedure invaded the principles of the status of judges laid down in Acts of William III and George I, which latter status purported to secure that the salaries of the judges were absolutely to be safeguarded. The age-long principle that the senior judge should preside in the Court was sought to be overthrown by a recent Act empowering the Lord Chancellor to appoint a Vice-President of the Court of Appeal, notwithstanding that he is not the senior Lord Justice, and still later the Lord Chancellor was given power to "direct" into which division of the Supreme Court a judge should be ordered to perform his duties.

Thus, little by little, both the functions and the status of the judiciary are being impaired. One is tempted to ask where and when will the process end. That the Crown is immune from suit is no new thing, but, as the ambit of the activity of the Crown extends, a further curtailment of the processes of law, unless something be speedily done to make the Crown responsible for the wrongs committed by its agents, is almost inevitable.

Next, to deal with the rights of the subject rather than the powers of the Court, apart from certain specific doctrines of public policy (such as restraint of trade or immoral intention), the subject at common law was ever deemed free to make such contracts as he would—for he was a free man. But under the plea, good or unsound, of economic justice and necessity this right has been drastically curtailed of recent years. Combinations which were formerly only made illegal by statute—as under the Statute of Labourers or the Combination Acts—are once more to be controlled; we hear much of the control of monopolies and the complementary restrictions of the activities of trade unions. The old common law right of a citizen to end his contract by due notice, either individually or in concert, is no longer acceptable to the modern legislator, be he of one party or another.

The final question arises: Is it possible to maintain the old traditional common law in this collective age? The impact of continental notions from the Roman laws or from Communist sources in these days of international tribunals and the abatement of the claims of national sovereignty are not to be discounted. Only in the greater part of the British Empire and in the United States has the common law found favour; an old practitioner in the common law may be excused if he points out the coincidence that only in those countries has that peculiar blend of liberty and order, of toleration and duty, found a permanent footing.

"The Common Law of England is in its origin a Christian system of law," writes Mr. Richard O'Sullivan, K.C., an acknowledged authority on the subject. Speaking of one of

the fathers of the common law, Henry Bracton, he continues:

Taking a text, now from the Old Testament, and now from the New Testament, anon from the writings of the Roman Civil lawyers or from the Canonists, who were the ecclesiastical lawyers of the Church; again, from a master of Jurisprudence of the Law School of Bologna, or from the precedents set by his predecessors of the English Bench, Bracton passed them all through the fires of justice and hammered out a set of legal principles which gave to the world, in the language of a famous Judge of the United States Supreme Court, "a far more developed, more rational, and mightier body of law than the Roman."

These rules and principles of the English Law were constantly being refined and polished in the law schools of the Inns of Court, and by the Clerks of the Chancery, who gave us English equity. They were carried by the King's Judges, going the circuits, to the great towns and cities of England and to all the shires. In the course of time the Common Law was carried beyond the realm, to Ireland, to what are now the great Dominions, and to most of the Colonies; and to the plantations and States that now form the American Union. And so the tradition of the Common Law is to-day a bond of Commonwealth and Empire, and a link which unites the English speaking peoples all over the world.

The future of the Common Law is plainly much more than a matter for lawyers. The Law of England is a unique contribution to Christian civilization; its decay may prove to be one of the greater tragedies of our age.

CONTEMPORARY GIBBONISH (continued from page 1)

blunted by the schoolmen would suspect it as being too "neat." Similarity of behaviour is far more usually due to incompetence of observation than to actual identity of process. To the average non-travelled Englishman all Chinamen look alike and are nearly indistinguishable from Japanese. But a Chinaman would not regard that idea as proving anything but the barbarism of the English.

Whether we are prepared to accept this conception of "rise and fall" at its face value or not, so far as our knowledge takes us, no Empire has previously "fallen" by proclamation, which appears to be the case with that of "Britain," unless, of course, the collapse of Jericho is an allegory from which we are intended to take warning. To add to the outstanding interest of the event, it appears to be the one contemporary phenomenon on which everyone is agreed. Our leading newspapers (produced strictly in accordance with war time economy standards both in paper and veracity) vie with our "British" organisation for relaying negroid disharmony in their agreement with General de Gaulle and Professor Laski that "Britain" is a second-class Power; exit visas and travelling expenses are happily provided for Manchester experts in crematorium oratory, so that the good news may reach the humblest foreign, and particularly United States, mourner for "Britain's" vanished splendours. 'Tis strange; 'tis passing strange. Observe, also, how the history of the fall of the British Empire is being written while you wait. The high point of "Britain's" war effort was Dunkirk—in fact, in a few years' time it will be the only battle in which British troops were engaged.

There is little or no mention of the Battle of "Britain," which, according to one American account owed what importance it possessed to the "fact" that the Rolls-Royce engines in the Spitfires and Hurricanes were made in America. British troops were sometimes heard of behind the lines in Egypt and there are rumours of a British fleet in the Mediterranean, but there is not an inhabitant of the Middle West who cannot tell you how Rommel folded up before the generalship and fighting qualities of American strategists and troops whose location in Algeria (which he identifies with Egypt) effectively

defeated the Germans two thousand miles away at El Alamein.

And, of course, everyone knows that the scattered and demoralised remnants of the British Army were finally rallied by the victorious Eisenhower, and Burma was recaptured by a couple of platoons of Americans, as conclusively proved by Messrs. Warner Bros. in their historic film, "Objective, Burma."

All these things being as they are, some examination of the nature of our decadence seems not merely desirable but obligatory. Let us first consider that modern criterion of greatness, size. The British Empire has in round numbers an area of 14,000,000 (fourteen million) square miles: the U.S.S.R. is second with 8,250,000 square miles. France is third with 4,336,000 square miles, and the United States ("unquestionably the greatest Power in the world to-day"—*vide any Press, anywhere*) has an area, including its Mandatory Jurisdiction, of 3,750,000 square miles, or slightly more than one quarter that of the area of the British Empire. As to population, the British Empire has a population of 498,000,000 (four hundred and ninety-eight millions) or just over a quarter of the total estimated population of the earth, Russia (U.S.S.R.) is estimated to have a population of 166 millions, or about one third of that of the British Empire, and the United States has a population of 137,000,000 or rather more than one quarter that of the British Empire. Thirty millions of these are predominantly non-European in origin. It is stated by the Proclaimers that the British Empire is breaking up—in fact, it is, according to propaganda, which is circulating everywhere in South Eastern Europe, due to disintegrate completely in a mere matter of months. This being so, it is rather odd that the British Empire is, at the time of writing, December, 1945, *the only political area on the world's surface in which no fighting is in progress*, if we extend this phrase, as we are entitled to do in this connection, to "spheres of influence" such as Azerbaijan, China, and the puppet state of Panama, the preserves of Russia and the United States respectively.

Let us now take, without asserting, war as a criterion of greatness. No one will dispute the pre-eminence of air-power and its counter-measures as the deciding factor in this (present tense) war. The dominant and decisive aircraft at the decisive period of the war were British, powered by British designed and built engines, and, for the major part, fought by natives of these islands. The decisive counter-measure to aircraft was radar, invented, designed and built in Great Britain. *No decisive weapon used in this war originated outside the British Empire.*

But perhaps "Britain" did not exert herself? In 1940 "Britain" spent 39 per cent., Russia (not at war) spent 27 per cent., and the United States spent 3 per cent. on war. In 1941 the relative figures were 49 per cent., 35 per cent., and 11 per cent. In 1942, 53 per cent., 45 per cent. and 35 per cent. In 1943, 54 per cent., 48 per cent. and 46 per cent. In 1944, 54 per cent., 44 per cent. and 46 per cent.

In 1943 and 1944, every British Dominion, as well as the British Isles, contributed a greater proportion of its national income towards winning the war than either Russia or the United States. And *over the whole period the output per man was greater than in the United States and incomparably greater than in Russia.* But the amazing feature of the whole

situation is that Great Britain, the keystone of the Imperial arch (not excluding the British Dominions, to whom "Britain" owes large sterling, and in the case of Canada, dollar, debts) is the only major contestant emerging with a loss of overseas investments, a largely increased foreign debt, and a fantastically reduced standard of living.

Can it be that the Fall of the British Empire is a book-keeping transaction? In considering situations of this character, it is important to avoid a common error — that of bolstering up an hypothesis with subsidiary ideas which are not factual. For instance, there are two carefully propagated ideas in connection with the Loan, the acceptance of which has just been authorised by the two Houses of Parliament. The first of these is that on balance the Loan is either inevitable or advantageous. In regard to this, I regard the case made by Lord Beaverbrook in his article in the *Sunday Express* as reasonably sound, and Lord Keynes's ridicule of it in the House of Lords as of the same reliability as his prophecies of the course of the wheat market in 1920. The second and skilfully suggested idea is that the United States is annoyed that we have "gone Red." On this, it may be helpful to state my opinion at once. Not only do I believe that every covert assistance has been given by the most powerful Forces in America—including the free services of half a million American soldiers as canvassers?—to ensure the return of a Socialist Government in this country, but I think I know exactly why that assistance has been given, and *subsequently to its success*, a loan has been forced on us. The primary preoccupation of the United States for years past has been Russia: as a result of the most careful investigation by such people as Joseph Davies and other less publicised insiders, their inner ring of officials *is satisfied that the Russian industrial system is the most inefficient the world has ever seen; and that a Socialist economy and the Bretton Woods Bank and Gold Standard Dollar will make foreclosure on this loan a mathematical certainty in less than ten years.*

There is plenty of competent ability in the British Empire; it has the major physical assets of the earth; and such disadvantages, if they were disadvantages, as were involved by geography have been minimised by modern transport. If we are to see its disappearance in a cruder and untried organisation, we are witnessing the most amazing triumph of unarmed forces that the world (so far as we know) has ever seen.

"Scrivener's Itch"?

From *The Times Literary Supplement* (editorial), March 9, 1962—

"Another feature of current religious literature that repels persons with some respect for the decencies of the English language is the employment of a technical jargon incomprehensible save to an esoteric few. It began with the sociologists—a horrid word in itself—and they developed their peculiar mode of communication, it may be guessed, to make sure that they were not identified with any political party or movement, except possibly Social Credit. From them the cult of a specialist jargon has so spread that today there is scarcely a branch of theology from the philosophy of religion to liturgical studies that is not infected."