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Hire Purchase

By JAMES GUTHRIE

(continued)

On the outbreak of the last war the British Government had a scheme ready to put into immediate operation to prevent the rise in prices of essential commodities; by means of price subsidies the prices of essential foodstuffs were held stable throughout the war, and for the difficult period immediately after. If bank credits can be used successfully to reduce the price of commodities during times of "scarcity" there should be no difficulty in doing so in times of plenty. If people could be fed and clothed when all the able-bodied men were under arms, wherein lies the difficulty in doing so in times of peace? Why is it necessary for so many retired people to live in penury? These people have been cheated, in a most cruel fashion, of their savings by a depreciating currency. There is no material obstacle preventing retired people from having access to the essentials of life; the obstacle is purely a matter of policy.

A reduction in prices represents a national dividend paid to the entire population, but it is not enough in itself; it is not good enough merely to keep the factory system in full employment in order to keep men and women in full employment. It is a poor recompense for all the skill and ingenuity which has gone into the building of labour-saving devices if they do not do what they were intended to do—save human labour, and give men and women leisure to look after their own affairs. Pensioners, after fifty years of labour, have no leisure; they retire into penury, or work to obtain a few pounds to eke out a completely inadequate dole.

All over Australia, the homes of the people are starved of service. You see people struggling to maintain their gardens, orchards and farms without the necessary help, while outside on the roadways are gangs of strong men sitting around in complete boredom, trying to cram one hour's labour into eight hours; this is probably what our official commentators are referring to when they speak brightly of "shifting public funds from the private sector to the public sector."

Unless we can break the control centralised finance has over our national life, the increasing skill and knowledge of our scientists and technicians will be used to increase the massive power of centralised government to intimidate the private citizen. Historically, the power of tyrants has increased with every new invention, and in particular really became effective with the advent of modern roads and communications. Most of the large industrial organisations are not controlled by their alleged "owners", or by shareholders, or by the actual producers; they are controlled by financial wizards. The chief pastime of these very important people

appears to be the acquisition, or "take-over", of rival organisations, so removing competition, and establishing a monopoly. As this fits in nicely with the policy of the central bank and the socialist bureaucracy, you can understand why there is plenty of financial backing for the financial wizards, and little financial backing for the locally controlled industries which are becoming so rapidly "taken over."

The industrial units, if they could break away from those who control debt finance and taxation, would be under no compulsion to become gigantic and to mass-produce rubbish, but they could produce what all craftsmen wish to produce—high quality goods which would last more than a "fleeting second." No true craftsman wishes to see his work treated as makeshift, or as a passing fancy of little permanent value. With a change over from quantity to quality production, many things would happen to prove how inefficient is production under the control of our present "efficiency experts."

With a break away from centralised finance the first thing to happen would be a demobilisation of that large and expensive army of occupation used to impose

- (1) an alien policy on the natives;
- (2) a policy of full employment without profit;
- (3) rationing without any just reason; and
- (4) confiscation of savings by means of penal taxation.

When you consider the number of highly skilled men engaged in the work of taxation, debt collecting and advertising; in the bureaucracy, and in the intricacies of finance and book-keeping; and then consider the numbers of skilled men engaged in the maintenance and replacement of poor quality mass-produced equipment (e.g., motor cars), you begin to realise the tragic price we pay for allowing our affairs to be run by people over whom we have not the slightest control.

It should be remembered that while, with the modern methods of power production, output is almost unlimited, the people's capacity to consume is limited. This means that the present productive system can only be kept in full employment by a variety of tricks culminating in an international fight for export markets.

If we are going to use machines as they were intended to be used, to do those mechanical and menial tasks that require little brains or skill but take a lot of time, then full employment in industry is impossible unless we put the clock back several centuries by destroying all labour saving devices. But this would not be sufficient; we would not only have to destroy intelligence embodied in machinery, we

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The Higher Law

“It is a paradox that at a time when this country is beset with many fears, the most fearful of all is something of which this country is generally unaware. It is the fact that while this country is traditionally democratic, the prevailing teaching of its political and legal philosophers is essentially anti-democratic and totalitarian. This is so because this teaching denies three essential elements of democracy and thereby affirms three essential elements of totalitarianism. It denies that there is a moral law which is inherent in human nature and which is therefore immutable and to which all man-made laws to be valid must conform. It denies that by virtue of this law man possesses certain rights which are inherent and inalienable and therefore superior to the authority of the state. It denies that the purpose of government is to secure these inherent and inalienable rights. It asserts that because there are no immutable principles of human conduct, there is no ultimate standard of justice and the law-breaker is responsible to nothing but his own unfettered will. It asserts that since there are no natural rights, all man's rights come to him from the state, and what the state grants, the state may take away. It asserts that since man possesses no natural inherent rights, the purpose of man is to serve the state.”

The above is from *The Higher Law*, an address delivered before the Conference of Federal Judges of the Ninth Circuit, at San Francisco, September 3, 1946, by Harold R. McKinnon, and published by The Gillick Press, Berkeley, California.

Freedom

“The only freedom that deserves the name is that of pursuing our own good in our own way, so long as we do not attempt to deprive others of their, or impede their efforts to obtain it.”

—John Stuart Mill.

The Law in England

English men of law displayed a confidence in the law of the land that endured for over half a millenium, for between 1215 and Blackstone's day they believed that they were guarding a precision instrument of divine manufacture that effectively forestalled the monopoly of power. Its human origins were in fact traced back to Alfred, and the Norman kings were compelled to sign a charter of agreement with the ancient laws of the realm. After Blackstone, too, the Law held respect and the lawyers were confident men who were anxious that their charge should propagate itself overseas. But now that confidence has been lost, and a single chamber, according to Laski's doctrine, claims the right of passing laws unfettered by constitutional or divine considerations. Englishmen have so lost their assurance that they may be seen grovelling before those whom they were once proud to assist, a strange perversion of service.

There are of course other systems of law, and I believe that a different code prevails in Quebec, while Scottish law has its traditions as does that of France. But there is no problem of competition, rather is there abrogation, and a loss of sure confidence in right. And this moral defeatism has let in the monster, monopoly of power, almost uncriticised.

Now Sir Edward Coke (1552-1634) flourished in a period when English men of law were full of self-confidence, but were at the same time under a threat. Blackstone told how the threats to the law under Henry VIII and Edward VI were speedily remedied. Henry had attempted to introduce legislation by proclamation, and Edward tried to import slavery, but the native sense was so outraged that the offending laws were quickly abrogated. Unfortunately the no less relevant story of Coke is told, not by an Englishman, but by an American, Catherine Drinker Bowen, in *The Lion and the Throne**.

There were eight parliaments between 1558 and 1593, and Coke became a Member in 1586. He held that a parliament man should be “constant, inflexible, not to be bowed or turned from the right.” He recalled that Queen Elizabeth suggested, when he was to be sworn as Attorney General, that the form of words should be altered to “who prosecutes for his mistress *the truth*,” instead of “*the queen*.” Coke was to claim that “the law shall stand for reason,” and the phrase, “Right, reason and the Common Law” was long associated with his name.

Coke taught, in the Enclosures controversy, that the common law “prefers arable land before all others” and further that the common law opposes monopolies, because a monopoly infringes the liberty of those who are excluded. C. D. Bowen notes at Raleigh's trial that the English had a sharp distinction in their minds between laws, made by men, and LAW, which derived from God.

Then James succeeded to the throne with his notion that kings were divinely appointed to rule and antedated the law, and Lord Chancellor Ellesmere declared that “the king is the law speaking.” Coke was appointed Chief Justice of Common Pleas in 1606, and pronounced, “The common law hath admeasured the King's prerogative,” and maintained the ancient English teaching that the King is under God and the Law. Further, Law in his eyes was not “made” but should grow, and was the only protection against tyranny. The Common

* Hamish Hamilton, London, 1957.

law could "control acts of Parliament and sometimes adjudge them to be utterly void."

Coke issued prohibitions to contest the encroachments of ecclesiastical courts (Roman law) on the common law, and James I had a furious scene with him. Then James made proclamations and Coke, summoned for his opinion, declared that the King cannot create new offences by proclamation.

An attempt to win over Coke by including him among the new commissioners failed. He had opposed the old commission's encroachments and when the new commission did not include the promised reforms Coke literally refused to sit. The commission, he stated, "contained diverse points against the laws and statutes of England; I stood and would not sit, and so by my example did the rest of the Justices."

After his friend Cecil's death, Coke was made, under protest, Chief Justice of the King's Bench (was "kicked upstairs") and was also made a member of the Privy Council. He maintained his resolute stance against abuses of the law. James asked for benevolences, a name for gifts, after a parliament in 1614, and the notorious Peacham's case followed shortly afterwards. Coke and three other judges were asked their opinion of the case, but Coke alone of the four refused to prejudge it.

In 1616 twelve judges stood together when Coke refused to halt proceedings in another notable case known as the case of *commendamus*, which concerned the right of presentation to a benefice. The judges were summoned to Whitehall, and a violent scene with the King followed. Coke was again left alone and firmly refused a stay, telling the King that when a case arose, "he would do that should be fit for a judge to do."

Coke was then summoned alone and answered some weak charges preferred against him. He was suspended from the Privy Council and was requested to review his Reports. He was also suspended from his circuit. He made trifling corrections in the Reports, and was dismissed from the Chief Justiceship, but was later restored to the Privy Council.

In the Parliament of 1621 Coke led the country party against the court party, and spoke against monopoly: "The monopoliser," he said, "engrosseth to himself what should be free to all men. The depopulator [encloser of land] turns all out of doors and keeps none but a shepherd and his dog." These words echo Mencius and Sir Thomas More. This parliament impeached Lord Chancellor Bacon, and one anti-Spanish petition was followed by another. The Commons wrote a Protestation in which they claimed freedom of speech, etc. James swept away eighteen monopolies by proclamation, and Coke asserted, "the true physic is by bill in Parliament." Sandys and Selden were arrested, and Coke was deprived of his place at the Council table and was locked in the Tower on some old charge of a family debt. He passed his seventieth birthday in prison and was kept there for over six months, when he was cleared.

Meanwhile the match between Prince Charles and the Spanish Infanta fell through, and the Parliament of 1624 swept away more monopolies. Mrs. Bowen says that they made Coke High Sheriff of Buckinghamshire to keep him out of the Parliament of 1626, which drew up thirteen articles to impeach Buckingham. Eliot and Digges were committed to the Tower, and Digges was released on a protest from thirty-six peers, while the Commons' refusal to do any more business procured the freedom of Eliot. I suppose that the

influence of Buckingham corresponds with the irresponsible power exercised by finance in our time, but while the principal of corruption paid for it in the seventeenth century, followed by the King himself, the modern agents of tyranny are either unknown or are regarded as oracles.

Mismanagement was followed by war, with France this time, and King Charles tried to raise money without Parliament, which provoked many Refusers. The five knights, on their arrest, sued out habeas corpus. As was to be expected, many refusers were returned to the Parliament of 1628, and Coke, whose last parliament this was, argued from *Magna Carta* on freedom from arrest without cause shown. The Commons passed four resolutions on these lines, including one against taxation without the consent of Parliament. Coke suggested a Petition of Right, and eventually the King gave his consent.

Coke then retired to work on his writings—notably the *Institutes*, which are another story. But, to quote him almost at random—on the Statute of *Marlebridge*—he continuously showed that the Law protects the citizen's freedom. For, he here remarks, "the liberty of a free man is so much favoured in Law, as there is ever a benign interpretation made for the benefit thereof."

As one revolution succeeded another, ostensibly for the freedom of the individual, the laws increased in severity and the death penalty multiplied. Nevertheless, as Coke remarked, "out of the old fields must come the new corn" (Coke himself was near enough the land to be "worried about his wheat," Mrs. Bowen remarks) so that respect for the Law did not falter. Blackstone wrote bitterly about the National Debt, but described the laws of England in the mellowest prose and showed how they were the perfect instrument for checking and balancing power. These lessons were not lost upon America, but somehow the very spirit of the common law wilted before the growth of centralised power. Significantly enough, Mrs. Bowen contributed an article on Coke to a book called *The American Heritage*.

Able minds have dealt with the problems of the pressure against Law, which largely arises from the device of issuing money as interest-bearing debt. And the men of law need, it seems, to recover the confidence in which Coke called Law the "safest helmet," so that it may resume its function of restraining force and fraud. In fact the policy now almost universally pursued no longer respects the freedom of the person, once "so much favoured in Law," but extends almost any excuse—welfare, under-privilege and a whole new vocabulary of such terms—under cover of which still further to lessen personal freedom.

Absolute power, into the shadow of which we are rapidly advancing, is the enemy of personal freedom and inevitably crushes it; the only alternative is for personal freedom to assert itself with the full majesty of our ancient common law.

—H. S. SWABEY.

More and More H.P.

Hire-purchase sales last year reached about £1,070 million compared with £760 million in 1957 and £860 million in 1958—*House of Commons answer*, Feb. 3, 1960.

—(Quoted in *Daily Express*, Feb. 4, 1960).

Monopoly

It might appear at first sight that the problems with which humanity is faced are so varied and are growing in number so fast, that the situation is hopeless. It may be so, but there is in fact one feature which appears in various forms in all of them. Every threat of disaster today contains in latent or active form the threat of MONOPOLY. It has been pointed out in many quarters that there appears to be just so much political power in the world. If one country has more, another has less. It is not difficult to see that the problem is to emasculate concentrated, centralised power, not by transference to some other power which will over-ride it; but by devolving it to the individuals from whom it has been usurped.

Reforms in Education

"The end, therefore, for which these reforms are to be made is not educational but industrial. It is to be done not for the sake of the child, but for the sake of national efficiency and prosperity; the effect of this deflection of aim can be imagined—or rather clearly seen in the generations reared by the Dictators."

—J. B. Sandeman, O.S.B., in *The Tablet*.

HIRE PURCHASE

—(continued from page 1)

would have to destroy intelligence wherever we found it—in human beings and in human institutions.

This work of destruction is going on now at a rapid pace, and appears near to completion. Inside the Iron Curtain the people are controlled by centralised military power, i.e., by the machine gun; outside the Iron Curtain people are controlled by centralised financial power. Under both systems people are compelled to take part in uncongenial and unprofitable labour and in both cases the powers of compulsion are overwhelming.

When the centralised authority is the only one allowed to make mistakes, the mistakes are made on the grand scale with that complete ruthlessness and contempt for other people's opinions that is so noticeable in Canberra. The Canberra bureaucracy, in trying to build an "expanding economy," are imitating all the worst features of England and U.S.A., at the same time boasting about their modern outlook.

The fact that centralised governments have to keep themselves in power by deception on a colossal scale indicates how unnatural and unsound is its basis. Centralisation of all power at Canberra together with the servile helplessness in the States, cannot be the natural, logical and inevitable system our professors and political commentators say it is. Unless we can decentralise power, not only back to the States and to the poverty stricken municipal government, but back to the individual then we can write *finis* to this civilisation.

There has been a great deal written about political de-

mocracy, but without an economic democracy all such talk is dangerous. Unless the individual has some access to the wealth produced by the community without becoming an industrial conscript, producing nothing of value for himself or his friends, he is not a free man. He is a serf, and in many important ways (according to the historian G. M. Trevelyan) he is much worse off than a mediaeval serf.*

"It is suggested that the primary requisite is to obtain, in the re-adjustment of the economic and political structure, such control of initiative that, by its exercise, every individual can avail himself of the benefits of science and mechanism; that by their aid he is placed in such a position of advantage that, in common with his fellows, he can choose, with increasing freedom and complete independence, whether he will or will not assist in any project which may be placed before him.

"The basis of independence of this character is most definitely economic; it is simply hypocrisy, conscious or unconscious, to discuss freedom of any description which does not secure to the individual that, in return for effort exercised as a right, not as a concession, an average economic equivalent of the effort made shall be forthcoming.

"It seems clear that only by a recognition of this necessity can the foundations of society be so laid that no superstructure built upon them can fail, as the superstructure of capitalistic society is most unquestionably failing, because the pediments which should sustain it are honey-combed with decay.

"Systems were made for men, and not men for systems, and the interest of man, which is self-development, is above all systems, whether theological, political or economic." (C. H. Douglas: *Economic Democracy*).

(To be concluded)

* "... if we contrast, let us say, mediaeval England with present day England, it is not easy to decide which gave most freedom and stimulus to the development of a man's power to be himself, to exert his talents, to enjoy and enlarge his life. In the Middle Ages there was a great deal of civil liberty of a local and privileged kind for some individuals and corporations; but there was legally at least, no religious liberty at all.

"... And yet, I suspect there were then certain kinds of opportunity and freedom that have diminished in our modern life. I mean the liberties and opportunities that result from isolation. Absence of means of communication did more for human freedom than Magna Carta. The badness of the roads, the want of mechanical transport, diminished the tyrant's power; restricted the range of bureaucracy; exalted local differences into the main rule of life; limited even the supposedly ubiquitous powers of the Church; left every man free to look about him at the world God made, and say what he himself thought and felt, without first looking in the daily paper to find out what they were thinking and feeling in London. The shepherd watching his flocks on the Downs, alone by himself all day, may or may not have been a serf, but he enjoyed a particular kind of spiritual freedom unknown to the trade union workman, the bank clerk or the civil servant of to-day. Which was the freer on the whole, is a difficult question."

—G. M. TREVELYAN.