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Constitutional Checks and Balances

By T. N. MORRIS

(II)

In a previous issue under this heading I quoted passages from Charles Morgan's Zaharoff Lecture (1948) in which he dealt with Montesquieu's doctrine of the checks and balances between executive and legislature essential in a Constitution designed to preserve individual liberty and to prevent any department of government from gaining despotic powers. Morgan quoted Montesquieu as saying: "Philosophic liberty consists in the exercise of one's will, or at least (if we must speak agreeably to all systems) in the opinion that one exercises it." But, since this could mean anarchy, he qualified it by saying: "Liberty can consist only in the power of doing what we ought to will, and in not being constrained to do what we ought not to will." So, in the phrase "what we ought to will,"—"*ce que l'on doit vouloir*"—(cf. The Book of Common Prayer: "Whose Service Is Perfect Freedom") Montesquieu showed that he recognised "an ultimate moral sanction of all law and of the reality of human volition". His opposition to mechanistic views of society such as we see both in Marxism and in modern capitalism (Big Business)* is thus quite clear. In fact Montesquieu "rejected the conception of man as an instrument without effective will or immortal spirit . . . and repudiated with energy and passion the idea of a blind fate — *une fatalite aveugle*".

A man's liberty, said Morgan, is "that area in his life in which his individuality moves freely. It is finite, unless we speak mystically of his union with the infinite. In all other senses, political or personal, objective or subjective, his liberty is restricted, is defined, is secured by its restrictions and is not thought of except in terms of them. As a room is not a room that has no walls, so liberty is not liberty that has no boundaries. It is an area, not space."

Montesquieu defined democracy as government in which the body of the people has supreme power, and he asked: "Will democracy preserve the Balance of Powers?" He said that the principle by which democracy must work is virtue or, as Morgan translated it, *probity* (Oxford Dictionary—moral excellence, integrity, rectitude, uprightness, conscientiousness, honesty, sincerity). "When probity is banished," said Montesquieu, "avarice possesses the whole community." And when we look around it seems that this condition has been reached. This does not necessarily mean that all individuals are naturally avaricious but that Mammon (the spirit

of avarice) in the shape of the present financial and economic systems dominates the whole of society, from politicians whose chief preoccupation is with industrial growth and the maintenance of full employment, down to ordinary citizens living under a wages and salaries system which, because of its inadequacy, forces a continual cry for larger pay-packets. How can a population, "provided with overcrowded schools and drab conditions" and driven in this way know or care about a balanced constitution? Is it "able and willing," asks Morgan, "to perform those acts of self-denial and self-restraint which can alone enable it to preserve its liberty?"

I think the words 'probity', 'self-discipline' and 'self-restraint', taken together, might be said to add up to 'responsibility', and it was largely on the theme of restoring responsibility to the electorate that Major C. H. Douglas read a paper to the Constitutional Research Association in 1947 under the title "Realistic Constitutionalism". Douglas stated his opinion that, since the Whig revolutions of 1644 and 1688 and the foundation of the Bank of England in 1694 "under characteristically false auspices", the constitution had been insidiously sapped by the Dark Forces. (This supports the view that Montesquieu may have been somewhat mistaken in regarding the English constitution of his time as a model. But the 'sapping' process was slow at first and, in any case, this does not affect the soundness of his doctrines.)

Douglas insisted that a satisfactory constitution must be organic—an organism related to the nature of the universe—not an organisation like that of Russia. He said: "When England had a genuine trinitarian constitution, with three interacting loci of sovereignty, the King, the Lords Spiritual and Temporal and the Commons in a state approaching balance (the balance was never perfect) those were the days of Merrie England and of our greatest national success." But "we now have only the mere shell of a Constitution, Single Chamber government dominated by Cartels and Trades Unions, based on a unitary sovereignty to which the next step is the secular, materialistic, totalitarian state." (cf. Morgan: "We have paved the way from Moscow to Prague, from Prague to London.")

Douglas also insisted that the supremacy of the Common or Natural Law must be restored and placed outside the jurisdiction of the House of Commons (they did not make it) "whether by its repository in the care of an effective, non-elective Second Chamber or by some other method. And clearly defined limits must be placed on the power of a House of Commons elected on a majority principle". He

*Marx regarded the productive forces as the sole determinant of history and said "Men are not free to determine their own productive forces". And Prof. J. K. Galbraith informed us (Reith Lectures, 1966) that "it is part of the vanity of modern man that he can decide the character of his economic system against the 'imperatives' of technology, organisation and planning."

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FROM WEEK TO WEEK

Political and economic commentaries are now almost entirely irrelevant except as a brain-washing device. As C. H. Douglas wrote (*T.S.C.* April 29, 1950): "There is no surer indication of misdirection in the affairs of any country than a continuous rise in the cost of living which, it should be borne in mind, includes the involuntary losses of the individual in taxes, rates, and extortions, as well as his direct expenditure. The idea that high taxation prevents inflation is ignorance, or worse. It is nearly irrelevant whether this misdirection proceeds from incompetence, or Fifth Column treason. . . . Since observing this phenomenon at close quarters, we have always been sceptical of incompetence in high places, not as to the existence of it, but as to the accident of its occurrence".

The intervening twenty-two years since the above was first published have made it abundantly clear that a continuous rise in the cost of living has been a settled *policy*, the objective of which was the elimination of Great Britain and the British Empire as factors in world affairs, which have been directed by the collusion of New York, Washington, London and Moscow (with Peking as the joker in the pack) towards the establishment of World Government. It has been amply demonstrated that no matter what Party is voted into office, it simply becomes "a new set of administrators responsible to the same alien policy", to quote Douglas again; and outside the pages of this journal, we have seen practically no *fundamental* criticism of that policy; only of the administrators. This latter criticism of course makes easy the replacement of one set of administrators by another, thus giving an apparently fresh mandate for a policy which is the root cause of social unrest, crime, and the suicides of despair—not to mention the final surrender of British national sovereignty.

That this latter represents the culmination of a long-term policy is made quite explicit by Professor Arnold Toynbee once again, speaking in Athens at the tenth Delos Symposium on July 9, 1972. He said: "This is a great crux for us, because if we succeed in reducing Britain, Nicaragua, the United States, the Soviet Union and all the rest to public utilities it is possible that people will lose their zest for running the governments of those states". That, of course, will leave the way open for a World Government, for which

Professor Toynbee evidently regards himself as a major spokesman. "We". Are there no patriots left in the House of Commons?

The political *system* in Britain, as elsewhere, is now quite incapable of averting disaster. The best that can be hoped for is the emergence of unrehearsed developments, such as saved the British at Dunkirk. Such might be a massive informal vote to convert an election into an implied referendum; or the successful resistance of the John Birch Society in the United States, where informed opinion foresees an armed struggle, since the U.S. is the last bastion of a free society. But any form of resistance is regarded, in Marxist terms, as "counter-revolution", and the pressure is now on to complete the formation of a world "police-force" to suppress it by the methods perfected in Soviet Russia and enforced in Hungary and Czechoslovakia. The current plan is to transform the United Nations into a World Government, after which night would follow the twilight of freedom in which we still endure.

The Side Of The Angels

The Rev. Hugh Bishop, Superior of the Community of the Resurrection, stressed on the annual Commemoration Day at Mirfield that "religion bears a heavy responsibility for fanning the flames in this tragic conflagration", in Ulster. (*Church Times*, July 21, 1972.) Yet the former Dean of Johannesburg spoke at this gathering of the confrontation of Church and Government in South Africa, and Fr. Bishop himself has spoken in a controversial way in Salisbury Cathedral, Rhodesia. Apparently this did not amount to fanning flames, despite the struggle against Communist imperialism, subversion and terrorism in which southern Africa is involved.

Nor can I understand the varying attitudes of the Roman Catholic hierarchy. In Lithuania (*The Tablet*, July 22, 1972) the bishops have warned the faithful that they should not "protest too strongly"; they criticise priests who signed a letter of protest in an "extremely provocative manner" and warn that such a document "runs the risk of affecting Church-State relationships and creating misunderstandings". Yet in southern America, where the Soviet power already has outposts in Chile and Cuba, they complain of "arbitrariness and violence" in Paraguay and of the facilities provided for "certain members of the Church who regrettably are for the regime". In Brazil, Archbishop Arias has raised a "cry for justice" on behalf of prisoners on hunger strike "including three Dominicans". Again, the government which has struggled to preserve order appears in a shocking light. In Lithuania, silence is golden, but in Paraguay it signifies "complicity or an irresponsible loss of moral values".

The same kind of bias, in favour of Soviet aggression but not on the side of the angels, does not go unchallenged in southern Africa. The Rev. A. J. Gardiner notes that the Anglican Archbishop of Central Africa used the words "freedom-fighter" in his charge in Lusaka Cathedral to the Provincial Synod, which embraces two Rhodesian dioceses. On the day before the Synod the Archbishop used his veto to stop discussion of a resolution that the Province reduce its subscription to the World Council of Churches to a nominal sum until given assurance that "no further financial assistance is being given to any terrorist organisation".

The Rev. A. J. Gardiner, who gave details of the synod and who put up the resolution (Press release, July 1972) as a Mashonaland representative, belongs to the Rhodesian Christian Group which advocates that the Church should act "as a reconciler, not as a revolutionary". The terrorists, he points out, are "as despised in their methods by the black African in Rhodesia, who has frequently suffered from them in the past, as by the white African". One hopes that the Rev. A. R. Lewis, Chairman of the Rhodesian Christian Group, may dispel some illusions during his stay in England this summer.

—H.S.

Constitutional Checks and Balances

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went on to say: "the individual voter must be made individually responsible, not collectively taxable, for his vote. The merry game of voting yourself benefits at the expense of your neighbour must stop . . . There is a clear method by which to approach this end—the substitution of the *open ballot* for the secret franchise and the *allocation of taxation according to the recorded voting* for a programme which incurs a net loss."

Douglas later expanded these proposals as follows:—

(1) Abolish the secret ballot at elections: all voting to be open and recorded. (2) Retain the party system: each party to lay its programme clearly before the electorate and to designate interests and individuals affected; the probable costs of the legislation to be clearly stated . . . (3) The cost of legislation together with the proved loss to individuals to be borne by the supporters of the successful party. (4) The supporters of the successful party to have the major benefit (say 75%) of any resulting reduction in taxation, the opponents taking 25% so long as the successful party remains in office, after which the gains are to be equalised.

This procedure would ensure individual responsibility for voting as for other human actions: in law a man is assumed to have intended the results of his actions. Because of the compensation clauses the old time motives for victimisation would not arise, but voters would be induced to take care, because voting for the wrong policy might prove expensive whereas voting for the right policy would be profitable. Also the procedure could hardly fail to stimulate keen competition between the parties not only to propose but to *bring into effect* measures of real and tangible value to all; and, in the atmosphere so created, there is little doubt that all artificial and, particularly, monetary obstacles to improvement would be swept away.

So far as we know, no action was taken on these proposals. If they had been acted upon I think that the people of this country and, probably, of much of the world would by now have entered an age of great and general satisfaction. We should have heard nothing of proposals for political mergers on the ground that sovereign states could not "stand on their own feet". On the other hand we should have seen much co-operation and understanding between peoples with different resources and cultures—an organic and fruitful association rather than an artificial and imposed unification.

(Concluded)

Moscow's Move*

THEY'VE PUT POISON IN THE SALT

By MEDFORD EVANS

You have perhaps read *The Godfather*, Mario Puzo's best-selling narrative of life among the Mafia. Or you may have seen the movie. Both the book and the film are powerful—and instructive. Possibly you recall the simply presented scene on which the violent denouement of the story hinges:

Michael took a phone call . . . and when he came back . . . he said to Hagen, "It's all set up. I'm going to meet Barzini a week from now. To make new peace now that the Don is dead." Michael laughed.

Hagen asked, "Who phoned you, who made the contact?" They both knew that whoever in the Corleone Family had made the contact had turned traitor.

Blessed are the peacemakers. But not those who in the name of peace set up their own family—or their country for the kill.

The two so-called SALT agreements† signed in Moscow on May 26, 1972, by Richard Nixon and Leonid Brezhnev, commit the United States to acceptance of an inferior position compared to the Soviet Union in both defensive and offensive nuclear armament. To most Americans who have been willing to study the matter, it is almost incredible that our President signed, as he did, (1) a permanent treaty forbidding us to defend the population of our country from nuclear attack, and (2) a five-year interim agreement establishing as a matter of international law that, compared to the United States, the Soviet Union shall be permitted to have, as summarized by the *New York Times*, "40 per cent more intercontinental ballistic missiles (1,408 to 1,000) and missile-launching submarines (62 to 44), one-third more submarine-launched ballistic missiles (950 to 710) and a three-fold Soviet advantage in megatonnage of total missile payload."

Some of us believe that the Soviet Union is incapable of the advanced productive capacity to take material advantage of this legal permission, but that is rather beside the immediate point. For, as arms-control expert Dr. Donald G. Brennan has correctly observed (in *National Review*, June 23, 1972), the political consequences of the agreed-upon Soviet superiority stem not from the alleged material facts, but from what the general public believes. If our President signs an agreement stipulating that the Soviets shall have more offensive weapons than we, while neither side is to be permitted any defense of its people against such weapons, there hardly seems to be any way to prevent the American public from believing that we are rather at the mercy of the Soviet Union, and had better be very careful indeed not to antagonize her.

As Brennan points out, the "image of American inferiority" may have decisive effects on (1) the Soviets, who will grow arrogant; (2) American government circles, where timidity will spread; and, (3) allies of the United States, who will wonder whether they should not change sides. "A commitment to a position of strategic disadvantage," observes

*From *American Opinion*, September, 1972.

†SALT stands for the "Strategic Arms Limitation Talks," which led to the agreements.

Dr. Brennan, "is . . . an invitation to be pushed around in the next crisis."

Those of us who heavily discount actual Soviet nuclear capability, as Dr. Brennan decidedly does not, can only agree with him about the psychological consequences of the "image of American inferiority"—adding, as a matter of fact, that Soviet contempt for the United States, and allied loss of confidence in us, must be all the greater if the Soviets know, and the allies suspect, that we are capitulating to a bluff.

The psychological impact of such a formally agreed-upon imbalance between Russia and America (in Russia's favor) is hard to take if not hard to understand. Yet it is virtually impossible either to understand the psychology back of the treaty forbidding nuclear defense, or to predict the psychological effect which such a treaty will have on the people who seem to be thus *deliberately* exposed to the full horrors of potential nuclear assault. No doubt the idea is, in part, to sustain an atmosphere of terror, but does it not occur to the arms-limitation negotiators that if the terms of this treaty are ever understood, people's fear and resentment will be turned against their own government? (I may there have stumbled on the answer.)

At any rate, the treaty on antiballistic missiles (the A.B.M. Treaty) is an even more extraordinary outrage against common sense than the Interim Agreement giving the Russians the advantage in offensive weapons.

In principle, one would suppose that the mutual renunciation of defense is as repulsive to the Russian as to the American people. It may be considered, however, that the Russians have been longer accustomed to accepting what their government does, whether they like it or not. It is also a fact that since nuclear war began to be discussed (some twenty-seven years ago) it has been repeatedly claimed by experts that the United States is more vulnerable to nuclear attack than is the Soviet Union. If so (I am not convinced that it is so, but will stipulate that it is for purposes of this argument), then abolition of defense is on balance advantageous to the Soviets, since they would be less badly damaged than we by all-out attacks in which no defense was offered by either side.

One thing gives the Soviet Union a sure advantage. The A.B.M. Treaty provides that each side may protect its national capital—and *no other city*. Moscow, the Soviet capital, is also the Soviets' largest city. If we consider metropolitan areas, Washington ranks seventh in the United States. Not only is Moscow the true metropolis of Russia—corresponding to New York combined with Washington—but, because the Soviet regime is completely totalitarian, dependence on the capital is far greater in Russia than in the United States. In other words, the treaty permits the Soviets to defend the one city which they must have, while the one city we are allowed to defend is one that we could do without more readily than a dozen others in the United States.

Unbelievably bad as are the terms of both the A.B.M. Treaty and the Interim Agreement, neither of these is the worst document which our President signed in the Soviet capital in May. Perhaps the Nixon Administration actually *knows* that the Soviets are so far behind us industrially that no such psychological advantage as the aforesaid agreements give could materially endanger us. Some of us would disagree. The psychological effect of nuclear weapons is for the

time being at least so decisive that it hardly matters what the material realities are. The player who runs a successful bluff never has to show his hand. But at least any Americans who want to believe that the Nixon Administration is both loyal and intelligent can suppose that the A.B.M. Treaty and the Interim Agreement are some kind of trick to fool the Russians.

No such supposition is possible with the *Declaration Of Principles* signed May 29, 1972, three days after the specific nuclear accords. The *Declaration* is transparently sincere. And what it does is to establish the nucleus of an all-powerful World Authority. The sixth item of agreement in this declaration signed by our President "at the summit" reads in significant part as follows:

The U.S.A. and the U.S.S.R. regard as the ultimate objective of their efforts the achievement of general and complete disarmament and the establishment of an effective system of international security in accordance with the purposes and principles of the United Nations.

At this point one must ask, how is an agreement to disarm ever to be enforced? The answer has to be: By arms. But if the nations are disarmed, then with what arms shall the disarmament be enforced? Obviously, with arms maintained by the "effective system of international security." *Disarmament*, as used in today's diplomatic language, does not mean the elimination of arms from the world. Since arms are not irreplaceable products, destruction of all existing weapons would be no guarantee that new inventories might not be created. *Disarmament*—"general and complete disarmament," to use the now standard terminology—means disarmament of nations through establishment of *an arms monopoly* by the "system of international security," or as it may be more conveniently and in the long run more precisely called, the World Authority.

Once the World Authority is established, it will not matter whether the United States or the Soviet Union once had an advantage, material or psychological. The World Authority will be everything.

Americans, and other "Western" people, have been so immersed in pacifistic sentiments since the *First World War* that we have forgotten that it is a definition of a nation to say that it is a society so organized as to be capable of making war. Jefferson and other signers of the Declaration of Independence were not the least bit hazy about this. The first power claimed in the action clause of the Declaration of Independence is the power to make war. If you surrender the power to make war, you surrender national existence. The SALT agreements do not surrender that power, but the *Declaration Of Principles* signed three days after the SALT agreements *does* state the intention of ultimately surrendering that power, for obviously no nation which has been generally and completely disarmed can make war when there is a fully armed "system of international security" to prevent it.

(To be continued)

REALISTIC CONSTITUTIONALIMS

by C. H. DOUGLAS

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