

REALISTIC CONSTITUTIONALISM

By

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My Lord President, my Lords, and Gentlemen,

Most of you will recall the proverb, said to originate in China, that when struck by a thunderbolt, it is superfluous to consult the Book of Dates in order to ascertain the exact meaning of the Omen.

But there are calamities no less tragic, if apparently less sudden, in respect of which we flatter ourselves that mitigation, or even salvation, is possible by taking thought; and although the events of the past half century, during which the affairs of the British Empire have been woefully mismanaged and insidiously as well as openly attacked, seem to cast some doubt upon that hope, I hold it myself, and, no doubt, so do you, or we should not be met here today in times which can well be described as critical.

The justification, if any, which I should advance for my temerity in addressing an audience of such wide and distinguished qualifications both in Statesmanship and Law, is that I am concerned with what appears to be a somewhat neglected point of view—objective reality. I do not think we realise the extent to which Absolute Idealism, to use its technical name, has tintured thinking on this subject—that nothing exists outside the mind of the beholder and that, for instance, totalitarian Government only requires mass propaganda to be just as good and much easier, than any other variety. Put quite shortly, my main thesis is that this is not true; that the rules of the Universe transcend human thinking, and cannot, in the ordinary sense of the words, be altered, and therefore must be ascertained and obeyed. In this sense Constitutionalism is an extension of the very comprehensive subject we call Social Credit.

Before passing to the more constructive aspect of my subject, it appears to be desirable to glance at the nature, the reality or otherwise, in short, the validity of the sanction we pretend to accept as dominant in our political affairs—an electoral majority for a Party Programme combined with a panel of Administrators.

It is impossible to deal comprehensively in the course of a short address with a matter into which so many complications have been introduced, but it is sufficient for my present purpose to emphasise the direct and intimate connection between a majority mandate, whether genuine or fictitious, and war, either civil or foreign. A mandate is a recruiting device, and its morality is neither greater nor less than that of war of any description. *Vox populi* is not only not *vox Dei*, but such empirical psychologists as Gustave le Bon have demonstrated beyond all reasonable doubt that in itself it is far more likely to be *vox diaboli*.

Perhaps the most revealing statement from an important source which has been made in the last twenty years was that proceeding from the peculiar organisation known as P.E.P. in 1938—“Only in war, or under threat of war, will a British Government embark on large scale Planning.” That means, of course, that a mandate obtained from a political majority can, more especially in wartime, be manipulated for purposes which, while not understood by the electorate, will be passively accepted if they can be put into a form of words suitable to stir the emotions.

With their blood brothers, the New Dealers, the Planners achieved their war, and we know what is happening to us and the British Empire, and who is collecting the stakes.

The holders of a centralised mandate, however it was obtained, always turn to war of some kind, if they are in danger of losing their centralised power, because centralisation is the essence of war.

The point I am attempting to make is that Constitutionalism must take the subject of war *in relation to stable policy* as its fundamental consideration. It must be the master not the servant. War is the ultimate earthly sanction, and there is no Law without a sanction. A Constitution which cannot make war is merely a framework for a mock parliament; but no Constitution ought to admit of war for unconstitutional reasons. Please do not suppose that I am condoning war. It is *involuntary* war which is the factor with which a realistic Constitution must be able to deal, before it can deal with anything else. No nation, as such, desires war; but a nation which engages *involuntarily* in war, not merely endures the war but almost invariably loses it. We have only to recall the history of the Baldwin Administrations with their subordination of defence policy to electoral expediency to see that by 1936 we had lost the peace and the initiative.

Turning to what has become known as the climate of opinion in regard to the subject of Constitutionalism in general, there are two factors in the background which should be brought to more general attention. The first of these is a legacy of the French Revolution and the nineteenth century intellectuals brought up on its fallacies and the specialised Darwinism which appeared to confirm it—that, without being clear as to what you mean by progress, progress is inevitable and automatic. Curiously enough, this idea seems to carry with it something in the nature of a cosmic Statute of Limitations—history is episodic, the past is past, tradition doesn't matter, everything is of transient importance. Tomorrow is another day, and you are free to begin making all the same dreary mistakes, afresh, but not to re-enthroned the principles which led to your past successes.

The second factor in contemporary, and superficial political thought is that political equity and political equality are the same thing—a subtle example of the fallacy known as *petitio principii*—“begging the question”. As a generalisation, there is no such thing as political equality. Politics in the ordinary acceptance of the term is subject to a special form of Gresham's Law of Currency—“Bad money drives out good.” This factor is highly important, as I hope to suggest to you, in connection with the vital issue of Common, or “Natural” Law.

Neither of these ideas is indigenous to these islands— they are importations from the Continent and the Middle East, but it is not unlikely that they play a considerable part in producing that state of mind to which Mr. W. L. Burn refers in the *XIX Century* writing of “Contemporary Conservatism”: “Political thinking is at too low an ebb in this country to be fit for the task of writing a new Constitution.” As I hope to suggest to you, the conception of writing a new Constitution for this country is inherently misleading, if anyone entertains it; we *grew* a Constitution, and our business is to free it from the weeds which are choking it, and to restore its power and effectiveness.

There are many evidences that for some rather obscure reason, the British people are the object of an attack not merely of a military and economic nature, but directed even more against their culture, which is to be broken down and obliterated by cross-breeding with inferior stock, as well as by subversive propaganda. Professor Karl Pearson's assistant, Miss

Elderton, in “The relative strength of Nature and Nurture”, states “Heredity is four times as potent as environment.” It is an established fact that the general level of intelligence in this country is declining, and is lowest in those strata of society which produce large families, have probably the largest admixture of alien stock, and have predominant voting power under present conditions. Yet the claims of heredity were never so derided, whether under the cloak of “racism” or class privilege, and we have Professor Laski as authority for the statement that the supremacy of Parliament (by which he means the House of Commons elected by a majority of declining intelligences) is the core of the British Constitution. Professor Laski joins his opinions of the British Constitution to statements that Christianity has failed and that Russia is the hope of the world, and I think we ought to be grateful to him because his statements confirm what in a most practical sense I believe to be true; that the crisis through which we are passing is a war against practical Christianity, which has a real bearing on Constitutionalism. A Constitution is either an organism or an organisation. All organisation is what used to be called magic, and a good deal of it is black magic—the manipulation of metaphysical forces for questionable materialistic purposes. We all know what happens if you put copper wires into a wrong relationship with a powerful electric current, and there is ample evidence to show that our ignorance or disdain of everything but materialism is causing a spiritual “short-circuit.” The real British Constitution—not Professor Laski’s—is an organism. The Russian Constitution—attributed to the Fabian Society and Mr. Sydney Webb—is an organisation.

I want to put to you that this obsession with pure materialism—a special kind of monotheism—can be identified with both Professor Laski’s idea of the British Constitution, as a mon-archy, a unitary sovereignty, the drive towards industrial and financial monopoly, and the World State propaganda. It is tempting to digress at this point upon the economic frustration which confronts us at a time when the apparent mastery of man over nature has reached the highest point in modern history, but to keep my subject within bounds, I should like merely to emphasise that Constitutionalism and economics are, or ought to be, only related in the same way that the coal under the boiler is related to the policy of the factory which is driven by the coal. When the coal becomes a dominant issue, instead of a mere incident to the policy of the factory and what the factory makes, there is something wrong besides lack of coal.

Whatever may be the case at the moment, in the centuries of greatness and prosperity associated with our history, these islands never were a mon-archy. In some form or other, sovereignty in the British Isles for the last two thousand years has been trinitarian.

Whether we look on this trinitarianism under the names of King, Lords and Commons or as Policy, Sanctions and Administration, the Trinity-in-Unity has existed, and our national success has been greatest when the balance (never perfect) has been approached.

The present Administration of this country is of course purely mon-archic and monotheistic, and as a natural consequence, “Common” or “Natural” Law has lost both its meaning and its sanctions, since the House of Commons, with its Cabinet which is the unitary locus of Sovereignty, has become a rubber stamp for administrative works orders masquerading under the name of Laws—a function for which it was never designed and for which it is grotesquely unfitted. It is not without interest and bearing on this aspect of the problem that one of the ablest commentators on “Origins of the American Revolution”, John C. Miller, observes: “In rejecting natural law, Englishmen also denied the colonist’s contention that there were metes and bounds to the authority of Parliament. The authority of Parliament was, in their opinion, unlimited: the supremacy of Parliament had come to mean

to Englishmen an uncontrolled and uncontrollable authority. Indeed the divine right of kings had been succeeded by the divine right of Parliament... It was the refusal of Americans to bow before the new divinity which precipitated the American Revolution.”

Speaking, not of course as a lawyer, but as a student of history and organisation, it is my opinion that the restoration of the supremacy of Common Law, the removal of encroachments upon it, and the establishment of the principle that legislation by the House of Commons impinging upon it is *ultra vires*, is an urgent necessity. The locus of sovereignty over Common Law is not in the electorate, because Common Law did not derive from the electorate and indeed ante-dated any electorate in the modern sense. In the main, it derived from the Mediaeval Church, perhaps not directly, but from the climate of opinion which the Church disseminated.

There is, of course, nothing very novel in what I am saying; much of it is in Magna Charta, which is not so widely read as it should be, and I am not sure that it cannot be found in an older document, the Athanasian Creed—a far more profound political document than is commonly realised. Some of you may remember the interest aroused 25 years ago, more especially on the Continent, by Dr. Rudolf Steiner’s “Threefold Commonwealth.” For my own part, Dr. Steiner did not appear to contribute anything very helpful to the practical solution of the problem, while recognising its nature, and his followers seem to have little to add to what he said. With some of his conclusions, if I understand them rightly, I should disagree. The main point to be observed is that to be successful, Constitutionalism must be organic; it must have a relation to the nature of the Universe. That is my understanding of “Thy Kingdom come on Earth, as it is in Heaven.” When England had a genuine trinitarian Constitution, with three inter-related and inter-acting loci of sovereignty, the King, the Lords Spiritual and Temporal, and the Commons, these ideas were instinctive, and those were the days of Merrie England. Since the Whig Revolutions of 1644 and 1688, and the foundation of the Bank of England under characteristically false auspices in 1694, the Constitution has been insidiously sapped by the Dark Forces which knew its strength, and the obstacle which it offered to treachery. We now have only the mere shell of the Constitution, Single Chamber Government dominated by Cartels and Trades Unions, (Mond-Turnerism), based on unitary sovereignty, to which the next step is the secular materialistic totalitarian State, the final embodiment of power without responsibility.

To an audience of this character, I do not need to enter into a discussion of the merits or otherwise of democracy, because whatever else it may be, Great Britain is not, and never has been, an effective democracy, and was never less so than at present. Nevertheless, short of a *coup d’etat*, I do not think that the idea of democracy, which is of course very nebulous, can be abruptly abandoned. It has been too much propagandised, and means too many things to too many men. But whether by the strengthening and elevation of Common Law, and its repository in the care of an effective Second, non-elective, Chamber, or by some other method, clearly defined limits must be placed on the power of a House of Commons elected on a majority principle. It ought to be clear to any unprejudiced individual that a majority is *always* wrong in its *reasons* for a given situation, and cannot, therefore, possibly be right in its remedies, although a homogeneous, native-born majority is often instinctively right in its judgement of the *nature* of a situation.

But, admitting this, 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, whether by Members of Parliament who double their salaries as the first-fruits of an electoral victory or by so-called Co-operative Societies which acquire

immense properties with the aid of Bank of England created money. There is a clear method by which to approach this end—the substitution of the open ballot for the secret franchise, and allocation of taxation according to the recorded voting for a programme which incurs a net loss. This would also imply a large measure of freedom to contract out of legislation of a functional character, with a consequent discouragement of the spate of so-called Laws which are little more than Works Orders.

This may be a convenient point at which to notice that the economic, as distinct from the political, system had a marvellous voting system, continuous and flexible, until the same influences which have perverted the Constitution were brought to bear upon it. I refer of course to the money and price system, which continuously registered the opinion of the consumer, who is the natural locus of sovereignty of the economic system, as to the respective merits of the articles submitted to his choice. But of course all the well-known tricks of the subversive Forces have come into play—price rings, monopolistic practices in both labour and material, standardised products, chain store distribution, *etc.*, so that the very considerable amount of economic democracy which we enjoyed forty years ago has almost entirely disappeared.

The consumer now gets what the distributor cares to let him have, the producer makes anything which the various bureaucracies, Governmental, Trades Union, or Industrial Association will sanction, and then passes it on to the distributor on take-it-or-leave-it principle, and the bureaucrat sanctions whatever will give him the least trouble and please his political backers. There is a great deal to be learnt in regard to a desirable political democracy by considering the calamities which have befallen economic democracy.

To summarise, so far as it is possible with so wide a subject, the ideas I have endeavoured to present to you, it is firstly necessary to recognise that we have allowed ourselves to accept a false theory of sovereignty, false not merely politically but structurally; a theory which is a departure from our own Constitution. To a very considerable extent, we must retrace our steps, in the face of many false guides, to the fork in the road somewhere about the time of the so-called Reformation.

It is necessary to provide individuals, as *individuals*, not collectively, with much more opportunity to judge political matters by results, and to be able to reject, individually and not collectively, policies they do not like, which involves a large measure of power to contract-out. Common Law is something which, if it changes at all, ought to change very slowly indeed, and the greatest difficulty should be placed in the path of an attack upon it, both by insisting on its supremacy over House of Commons enactment, and by making it subject only to something at least as arduous as an Amendment to the United States Constitution. It appears to me that a properly empowered and constituted House of Lords, Spiritual and Temporal, is the natural guardian of Common Law, as the Barons demonstrated at Runnymede.

The essential soul of a nation is in its character, its culture and tradition. The King is the natural embodiment of Honours and Sanctions—of Culture and Tradition and, as such, is naturally the Supreme Commander of the Armed Forces. So that our problem seems to resolve itself into a real understanding and restoration of the functions we have allowed to decay.

I should be most sorry if anything I may have said produces an effect either of spurious romanticism or abstract Scheme-building. Close attention to the evidence has convinced me

of degeneracy from a marvellous Constitution in the last three hundred years, accompanied by the atrophy of a sense of continuity—the idea that history is a disconnected episode, instead of being, as it is, crystallised policy. The main agency through which that degeneracy has operated has been the Bank of England and its credit system, the Ways and Means Account, the National Debt, and the usurpation of the taxation power.

All these matters have gone to magnify the powers of bribery and corruption, and these in turn have logically been directed against the strength of the pre-Cromwellian Constitution.

You will notice that I have confined myself rigidly to the Constitutional aspect of the problem with which we are faced, together with some slight suggestions as to possible methods of approach. That does not, of course, imply that a mere rectification of the Constitution is all that is required —far from it. But conditions have developed in this century, beginning in their modern phase after the South African War and the Parliament Act, but taking more sinister form in 1931, which make it imperative that we put the frame-work of our house in order to enable us to rectify both our housekeeping and our external business. Our present situation is not adventitious—it is the outcome of a venomous hatred and envy of our indigenous qualities. If anyone is foolish enough to suppose that the prestige of this country and the Empire, and with them, the welfare of the population, can be restored by an appeal to an anonymous, irresponsible, and mis-instructed ballot-box democracy, I can assure them that, if their opinion should prevail and our destinies be submitted to decision by that process, the outcome is a mathematical certainty—our final eclipse.