

JUSTICE OR EXPEDIENCY?

ONE of the gravest dangers of the present political system in this country is the acceptance of expediency as the guiding principle of legislation. Moral principles have no longer any practical influence in government. The disadvantages of employing ecclesiastics in high offices in the Government, always greatly exaggerated, had the important counter-balancing advantage of the recognition of moral principles in legislation.

Political ecclesiastics might be corrupt, though there is no historical evidence to show that they were more corrupt than the modern lawyer-politician, business-politician, or demagogue-politician. It would be difficult to show that Holy Orders, *per se*, are more demoralising than the verbal subtleties of the Statute Book, stock and share broking (or pushing), or even a righteous indignation at the sweating of the working classes.

A statesman or politician in Holy Orders (to-day this suggests the Devil in Holy Water) must, at the worst, make some show of informing with moral principles his public acts and those for which he is officially responsible. He has some acquaintance with moral principles drawn from the Christian code, which is the code permeating our culture and civilisation and therefore not foreign to the minds and consciences of the people. The lawyer, business man or demagogue may be quite ignorant of Christian moral principles, except in so far as he has to adapt himself to the effect of them on his fellows. He may deliberately discard such principles and only permit them to influence his actions as necessary but regrettable expedients. He may further be opposed to such principles and adopt a new set,

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derived from a modern social theory or political economy, foreign to the consciences of the public whose social welfare is in his charge.

The public could reasonably expect the legislative acts of William of Wykeham as chief executive officer to be informed with moral principles. Failing in this respect, he would suffer severe and effective criticism not only from below, by the expression of public opinion, but from above, from the Church to which he was subject and responsible in a special manner. In the case of Mr. Lloyd George, Mr. Baldwin, or Mr. Ramsay Macdonald in the same capacity, there is no such formal allegiance to well-defined moral principles, and therefore they are, quite reasonably, immune from that special kind of criticism.

Any legislative act directly affecting a large number of citizens and offending their accepted moral principles would, of course, evoke effective criticism on that ground. For example, if a Bill called the Universities (Extension) Bill were brought in to make all men with less than £300 a year and more than two children, liable to double income-tax, the avowed object being to relieve the labour market, there would be trouble. There is obvious injustice and the legislators are expected, within limits, to be just. But those limits are narrow, they do not extend at best beyond the public awareness of what is going on. The public is not aware of unjust legislation unless it is *directly* affected, and not even then unless the popular press chooses to tell. Naturally the public becomes aware of injustice in legislation directly affecting it, when the legislation takes effect. But unless the injustice is grave and painful, the reaction against it will not be very strong. If the injustice is gross, as in the prohibiting normal, self-controlled men the use of God's gift of wine, the reaction is strong and has serious consequences. That large example of the results

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of legislative ignorance of moral principles is now before the world.

Ordinarily, unless immoral legislation is obvious, direct, and widespread in effect, it is sanctioned and operates. Such legislation as the supposititious Universities (Extension) Bill would evoke loud protest and not proceed very far. But the injustice of the measure has only to be a little less apparent for it to go a very long way and pass into law. In this case we may call the Bill the Education (School Attendance) Bill and we find that, though it is substantially the same as the supposititious Bill above, it very nearly became law. The Education (School Attendance) Bill contained a parallel injustice. It penalised parents with small incomes, those subject to the compulsory education system and forced to use the compulsory schools, and it further penalised parents with normal families, and its penalties were financial. The origin of the Bill was not in a desire to give the children more education but to keep them off the labour market. This object was avowed, since it could not be concealed, the cat not so much having escaped from the bag as never having been caught and put into it.

It is significant that this Bill was not resisted by public opinion indignant against the denial of moral principles. The public as a whole knew little of the Bill and so cared little. A large section of the public whom it would affect was to be bribed by monetary compensation to overlook the absence of moral principles. The public in general has no close formal allegiance to any particular code of morals and therefore the public in general can be bribed without much difficulty. The Bill was withstood successfully by a section of the public which would have suffered the gravest injustice. Yet the resistant public, be it observed, is notoriously attached by a definite formal allegiance to a clear and well-defined code of morals,

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the Christian code which is the framework of our civilisation, and the whole of that code. The Bill was resisted on moral grounds and the resistance was effective. Even so, and this is important, it was not effective because of the principles of its opponents or the grounds of their opposition, though these contributed to the result. It was effective because the peculiar condition of the political parties made it possible for a small number of men, by an unusual (and in the modern political sense irregular) act of independence, a temporary breakaway from the normal process of the party system, to determine the decision. It is possible, and more than likely, that if the Labour Party had an effective majority such as that of the late Conservative Government, the opposition would have been quite ineffective. The votes of the official Opposition in the House cannot be regarded as votes for the upholding of moral principles, or against the denial of those principles in the Bill, or even against the Bill itself and the policy that inspired it. It appears to be the function of the official Opposition not so much to criticise and oppose bad legislation, as to tramp regularly into the Lobby against all Government legislation. Hence the act ceases to be expressive of an opinion or indicative of adherence to any particular principles.

Despite the nature of the Bill, the escape from it (even now temporary) was a narrow one. The Bill was inspired by nothing but expediency. The problem of the unemployed and destitute population is menacing. The threat must be reduced. Here, right or wrong, is a way of doing that.

There is another equally serious example of immoral legislation in the Agricultural (Marketing) Bill. This Bill is proposed on the ground that the marketing of agricultural produce is an important factor in the economic condition of the farmer. A good deal

of present marketing is slipshod and does not secure the best price for the producer or the best quality foods for the consumer. These points may be conceded, with qualifications. The Government, realising tardily the basic importance of agriculture to the life of even such an industrial commonwealth as ours, decides that something must be done for agriculture. Possibly there is an awakening realisation of the crumbling condition of the industrial commonwealth, and the Government has decided to catch at the straw. (Speaking of straw let us note that wheat, in our present insane state, is valued at only a little more than the stalk it grows upon).

The Government's line of argument appears to be 'Agriculture needs help. This Bill is help for Agriculture, therefore Agriculture needs this Bill.' Again, 'Improved marketing will increase the farmer's profit. This Bill will improve marketing. Therefore this Bill will increase the farmer's profit.' It is not relevant that farmers, through the National Farmers' Union and the National Poultry Council, say that the Bill is objectionable and will do no such thing. If the Government claimed that the Bill is essential for the common good, the farmer might justly be expected to suffer. But the Government's first insincerity, as usual, is in the purpose of the Bill. It is said to help the farmer.

Now it is assumed, in the manner of all legislation based on expediency, that since this is, or may be, a way of doing whatever is wanted to be done, therefore it must be done this way. It is not asked, Is this way just? but, Will this way work?

Let us examine its provisions. It is alleged to enable producers to provide and control their own local marketing schemes and provide them with financial assistance for the operation of such schemes. The Government's great argument for the Bill is that it

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puts control into the hands of the producers themselves, through Boards locally constituted. But :

'The Minister is empowered ON HIS OWN INITIATIVE to lay before the Parliament the draft of an Order (which will come into force unless Parliament resolves to the contrary) revoking or amending a scheme.' (explanatory Memorandum).

The Minister may also, where no Board is set up and the Bill is ignored, set up a Board himself. Local societies may be constituted as Boards, and every *member of the society who is a producer of the product within the area shall be deemed to be a registered producer.* All producers of any product the sale of which is regulated by a Board, will be bound to register and *will not be allowed to market their produce except through the Board.*

An important principle is involved, or denied, here. If a producer is bound to sell his produce through official channels justice demands that a reasonable profit shall be secured to him or that he shall be allowed to fix the price. If he is denied the opportunity of obtaining a fair reward for his labour by his own trading, that fair reward must be guaranteed by the official trading scheme. No such justice is contemplated. Instead :

'The Minister may, on the application of the Board administering a Scheme, if the Board satisfy him that the revocation of the Scheme is desired by more than half the registered producers or by registered producers who produced more than half the quantity which was produced by all the registered producers' (Sec. 3, Pt. II, Sched. 1).

This means that *one* large producer in any given area or a number of smaller producers, may bind the others who may be very numerous, and who may suffer

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seriously in consequence. The enormity of this becomes apparent when we read the provisions for winding-up of a Board :

' In the event of the winding-up of a Board, every person who, at any time during the relevant period, was a registered producer shall be liable to contribute to the payment of the debts and liabilities of the Board and to the payment of the costs and expenses of the winding-up such proportion as may be provided in the scheme of the registered or the aggregate amount of the sums paid or payable to him in respect of the sale of the regulated produce during that period.' (Sec. 7, Second Schedule).

Thus a producer, forced to market through an official channel, may be forced to meet the liabilities of an organisation to which he is opposed on principle and over which he has no control. He will be forced to pay for mismanagement which he is not allowed to correct, and for the failure of operations of which he may be kept in complete ignorance. A further serious aspect of this affair is that whilst one large producer of a given foodstuff may be producing that foodstuff as a side line, having his living and an ample reserve of capital elsewhere, he may ruin a number of smaller producers or drive them into bankruptcy because though producing smaller quantities, their whole small capital is used in producing the regulated food or foods. The poultry industry, which is at present the most prosperous branch of agriculture, exceeding in annual value the whole of the grain crop of this country, provides an excellent example of conditions favouring such a calamity. A wealthy speculator, who is none too scrupulous (such as may be found dabbling in agriculture to-day) is here presented with a golden opportunity, perfectly covered by legal enactment.

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To give one more example of the absence of moral principles from this typical piece of modern legislation, persons authorised by the Board may '*enter and inspect—at any reasonable time—any land or premises occupied by a registered producer and to inspect and take copies of any books, accounts, or other documents kept by him relating to the registered product.*'

It might be argued that no time is reasonable for such inquisition, but such an argument, demanding reference to moral principles, would be very costly in a court of law.

These are samples from a Bill bristling with similar interferences with the normal and reasonable liberty of the individual, imposing upon him unjust compulsion and unjust liabilities. Such impositions are not justified by any urgent need of the commonwealth, or by a reasonable prospect of an important and necessary good accruing to the commonwealth. They are made for the sake of an experiment, based upon a bureaucratic theory and opposed on practical grounds by the citizens concerned.

This Bill, almost as devoid of moral principles as the Education Bill, will almost certainly be made law because there is no body with sufficient knowledge of and devotion to the moral principles involved to oppose it. Moreover the Liberals have agreed with the Labour Party over this, if they have not largely inspired the Bill. Public opinion will not affect the matter either way, because the public will know too little about the Bill. But if you are interested in democracy and representative government, ask yourself what would be the wishes of the majority of voters on the plain question of compulsory marketing, powers of entry and inspection, and liability for other people's failures.

As is the case of the Education Bill the real object of this legislative expediency is not openly revealed

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It is not disclosed in the Bill, nor in the arguments used to support the Bill, that the existing Government National Marketing Schemes now in operation fail for lack of support, that compulsory marketing is the obviously simple way of securing them ample support, though without guaranteeing their success, that the present lack of support is largely due to the scheme's having consolidated the middleman, making him partly what the Bill will make him wholly, an overpaid Government official. These things, indeed, may be called matters of opinion and therefore arguable. The farmers who decline to support either the present schemes or the Bill will assure you that they are matters of fact. What is certainly not arguable is the fact of compulsory marketing and compulsory liability for the failures of others, authorised by statute.

These Bills are but samples of the modern principle of legislation. The Trades Disputes Bill provides another, as does the Act it is proposed to nullify; the Agricultural (Land Utilization) Bill provides yet another, despite its few good points. As this is being written, the Lords have rejected this Bill. But not on moral grounds. There is hardly a Bill brought forward in these days which is not rotten with expediency. Something must be done, do *this* thing, and do not ask whether it is just, but whether it will work. It may be done by hook or by crook. If the modern politician chooses the crook as easier to his hand, there is nobody to shame him above or below. The State being the godless thing it is, who shall with reason blame him?

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