The British Way and Purpose

I

What is at Stake

Parliamentary Government

Local Government

Law and Justice

NOT TO BE PUBLISHED

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NOVEMBER 1942

SOLDIER AND CITIZEN

1. The Purpose

It is some time since we stopped talking of the war as an emergency and even longer since we stopped talking of it as a crisis. Yet the war remains a crisis in a very exact sense, the sense in which the Chinese write it as two words, "danger" plus "opportunity."

The danger we recognise immediately because that was the first motive which impelled us to fight—a danger to all we are and have achieved. These achievements are in peril from the German idea that they are the master-race, with a right and mission to kick all others around until the world has been shaped to the master's design. That design was clearly outlined; long before 3rd September, 1939, German youth had been marching to the chorus :—

"Though the whole world lie ruined around us, after the day of war,
What the devil do we care, we don't give a hoot any more.
We shall go marching forward, though everything fall away,
For the world will be ours to-morrow, as Germany is to-day."

So we went to war initially in an effort of self-preservation, in order to survive, and that first aim has been clearly stated by the Prime Minister.

"You ask, what is our aim? I can answer in one word. It is victory, victory at all costs, victory in spite of all terror, victory, however long and hard the road may be; for without victory there is no survival." (The Prime Minister, 13th May, 1940.)

We must be soldiers first.

But in crisis, "opportunity" still is the twin of "danger"—a Siamese twin, for both are linked and dependent on each other. Part of what we are defending against danger is the opportunity to decide what the future shall be. We shall not only defeat the enemy's purposes, we shall win the opportunity to achieve our own.

But certain things are to be noticed about that opportunity. First, it comes only after the danger is survived. Secondly, after survival it is still just an opportunity—it is not a guarantee of a millennium. It never can be. Thirdly, the responsibility for making good that opportunity is on every citizen quite inescapably and quite individually. That is the meaning of our democratic system; of the democratic freedom to say and do what we like within reasonable limits and to organise with others in order to promote our rights and interests.

It is, of course, true that the task of measuring up to that opportunity is exacting. On the big national and international problems the individual must learn the facts and think out a judgment and act for its execution, and that is no task for cowards or sloths or the gullible. For them it will always be easier not to learn nor think nor act, but to remain ignorant, inactive and indifferent, leaving the decisions to others, and stirring only into uninformed anger when things go wrong. But if that easier way is taken it means not that we have been robbed of the opportunity but that we have discharged it badly. The results will still be our responsibility; only they will be the results of laziness or ignorance or weakness rather than of information, judgment and action.

After the danger—where to? What next? We shall decide—if we survive now. We shall decide properly—if we learn and think and act hard enough.

We must be citizens as well as soldiers.

2. The Plan

These booklets then are concerned with the achievements and the possibilities of the British way of life, and with the individual's responsibility for their development. They look to the future, with an insistence on our power to shape that future.

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Four booklets will be put out, in series, to provide material for talks during the four months November-December, 1942, and January-February, 1943. Very valuable additional material, in most of the topics chosen, will be found in the bulletins issued by the Army Bureau of Current Affairs.

Each booklet will have four chapters which, though self-contained, will be related to a central subject, so that over any month the topics will form a connected pattern. The complete scheme will be as follows :—

1. Citizen of Britain

November.

I. What is at stake; What we fight for and against.
II. Parliamentary Government; How it grew and how it works.
III. Local Government; What it is and how it affects the individual.
IV. Law and Justice.

2. Citizen of Britain

December.

I. Britain at Work; Review of British economy.
II. The British Social Services; Achievements and trends.
III. Education in Britain; Present structure and future possibilities.
IV. Information Services in Britain; Sources of news and the individual's use of them.

3. Citizen of Commonwealth

January.

I. History of the Empire; Motives of its growth and development.
II. The Dominions; Relations to Britain in peace and war.
III. India; Present position and reckoning; What India owes to Britain and Britain to India.
IV. The Colonial Empire; Its character and development.

4. One of The Thousand Million

February.

I. U.S.A. and Britain; Relations now and after the war.
II. U.S.S.R. and Britain.
III. China and Britain.
IV. The United Nations; Post-war aims and possibilities.

Though instructors may use their own discretion in framing a course, possibly omitting certain chapters and emphasising others, each chapter is designed to serve as a basis for at least one talk and discussion. Discussion is important, for the course will be successful so far as it is an example as well as an exhortation to citizenship in action. But the talk is an essential preliminary to provide both the facts and the stimulus, to prevent either anæmic silence or mere irrelevance. To help in the shaping of a talk effective in both these ways a set of notes is added to each chapter, a framework adequate for about half-an-hour's exposition.

AUTHOR

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I. WHAT IS AT STAKE

" That we here highly resolve that these dead shall not have died in vain; that this nation, under God, shall have a new birth of freedom; and that government of the people, by the people, and for the people, shall not perish from the earth." —(*Abraham Lincoln.*)

1. What We Are Fighting Against

One great advantage which the Germans have had over us in this war, up to now, has been a much clearer understanding of what they are fighting for. If we were to question almost any young German soldier on this subject it is pretty certain that he would be able to give us straightforward answers, in which he obviously believed with great conviction. If we happened to hit upon a keen Nazi he would be ready with a passionate statement of his unpleasant ideals. Neither would leave us in any doubt as to where he stood. We should take their word for it that they were fighting because their Fuehrer had decreed that they should, that they believed in their Fuehrer because he had rescued Germany from shame and weakness and restored her to strength and greatness, and that they had unshakable faith in his power to lead the German people to victory and the world dominion of the " master race."

Questioned further, the Nazis would doubtless pour scorn on the softness and selfishness of the British and the Americans, and on the crude barbarity of the Russians. They would outline the features of Hitler's " New Order " which was destined to replace the outworn system of independent nations with their separate economic arrangements and their old-fashioned ideas of freedom, not only throughout Europe but throughout the world. They would then give us a glowing picture of a prosperous Hitlerite world, organised and controlled, with no sentimentality about the wishes of subject peoples, by German bureaucrats, German scientists, and German storm-troopers. However much we disliked it, we should have to admit that we were up against a " big idea "—something vital and dynamic—compared with which much of the vague talk which we hear in our own country about " freedom " and " democracy " seems feeble and unconvincing. In the service of this " big idea " millions of Germans—men and women—have given their time and energy without stint. Vast numbers of them have given their lives.

Democracy on the Defensive

Naturally we British do not like the Nazi " big idea " and, for many of us, to prevent its realisation is a sufficiently powerful war aim. Whether the things for which we stand are right or wrong, we do not like the thought of a world controlled by the Nazis, and we are prepared to fight them to the death. But when it comes to stating our own " big idea," the *positive* things for which we are fighting, we tend to be vague or even tongue-tied. We are out to lick the Nazis for what they have done to the Poles, the Norwegians, the Dutch, the Greeks and the rest, and for fear of what they are likely to do to the rest of the world, including ourselves, if they win. But most of us are far from clear about what Britain stands for and about what she has to contribute to the making of a happier world.

Reasons for the Defensive

The chief reason why we are at a serious disadvantage compared with the Nazis over this business of " big ideas " is that the evil things for which they stand are novel and dynamic, whereas the excellent things for which we claim to be fighting may seem dull and uninspiring. The Nazis have a crude philosophy of domination

which is as effective as a panzer division. We speak of our ideas of " freedom " and " democracy " as though they were no more than static positions to be defended at all costs. To take part in the conquest of the world may be a villainous thing, but it can stir the blood and inspire self-sacrifice. Merely to defend familiar notions —very imperfectly understood—is not particularly exciting.

There is another difficulty. One result of finding ourselves mixed up in a second great war within twenty-five years has been to make us very suspicious of sloganised war aims and general talk about a rosy future which is to come into being after victory. Last time it was possible for well-informed and honest men to believe that they were taking part in " a war to end wars," a war which was to " make the world safe for democracy," a war which was to be followed by an era of unlimited social progress. The history of the last twenty-five years has shown us how little justification there was for these ideas and it has cured us of any simple-hearted belief in everything which we are promised. Moreover, we have come to question the value of the sort of " freedom " and " democracy " which can find a place for chronic unemployment, bad housing conditions, and underfed children.

2. Democracy Must Take the Offensive

If all this is true, many things follow. While we must defend the positions which our fathers won—civil and religious liberty, free speech, the right to combine, local democracy, parliamentary institutions, and our great legacy of social legislation—we must also take the offensive. Democracy—rightly understood—is a dynamic idea. It implies that every man—whatever his race or colour or creed—should be given an equal opportunity of realising the best that is in him. It also implies that every man has a personal responsibility for the welfare of the community in which he lives. By turning this war into a struggle to make a decent life genuinely possible for all, we shall equip ourselves with a faith which is as fine as the Nazi faith is evil, without being one whit less dynamic.

What we have at Stake

For all its limitations and blemishes, the form of democracy which has so far been achieved in Britain is something of which we may reasonably be proud. Taking advantage of our island immunity from foreign invasions, we have been able to build up slowly through the centuries a system of living together which was, until recent years, the envy of the world. During these centuries we have destroyed the power of arbitrary rulers—kings and noblemen—and we have established a form of government which enables every man and woman to take a hand in the business of running their community, through popularly elected local councils and a national Parliament. We have established the right of every citizen to be protected against violence, whether coming from other individuals or from public authorities, and we have won recognition for the principle of " equality before the law." Not without struggle, we have won freedom to speak our minds, to print our opinions in newspapers and books, to hold public meetings, to form associations such as trade unions and co-operative societies, and to worship where and how we please. As a result of a long history of Parliamentary and local administrative action we have given protection to the worker, introduced a wide range of educational, health, and other social services, and, by the heavy taxation of the well-to-do, greatly reduced the startling inequalities of income which came into existence with the growth of modern industrialism. In our territories overseas we have shown that we know how to colonise and develop the resources of backward areas and, despite some dark patches and many mistakes, we have discovered entirely new principles—varying from the conception of " Dominion Status " to the idea of colonial " trusteeship "—of governing men.

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These things are enormously important but they tend to be taken for granted, like the air which the Englishman breathes. We do not realise their high value. Nor do we fully appreciate the danger in which they stand in spite of the object lessons to which we have been treated in recent months in German-occupied Europe. Yet it is virtually certain that if the Nazis conquered this island all our democratic institutions would speedily disappear ; voluntary associations such as trade unions, friendly societies and the like would either be disbanded or, more likely, taken over by the State. And our freedom of speech and publication, possibly even our freedom of worship, would cease to exist.

If Germany were victorious the last remaining political democracies—Sweden and Switzerland as well as Great Britain—would go the way of Norway, Czechoslovakia and France. Civil liberty would go with them. Compulsory labour, imposed at the will of an irresponsible Government in most occupied countries, would come to stay. And the hope of continuous measures of social reform would be dashed to the ground. Anyone who doubts these probabilities need only study the events, in one occupied country after another, on the continent of Europe during the last two years.

3. The Methods of Democracy

Representative Government

Democracy is a system which enables every citizen to take part in the business of government. When it was first tried out in ancient Athens it was limited to the free men of that city, and the fact that their numbers were relatively small (a few thousands at most) made it possible for all of them to come together in one place for the purpose of discussing civic affairs. This practice is still followed in our own Parish Meetings, in the townships of New England and in some of the Swiss Cantons. However, in modern times, with the growth of large populations, this form of direct democracy generally became impracticable and various methods of representation began to be used. In Britain, where modern democratic institutions grew up which became the pattern for other nations, they eventually took the form of popularly elected local councils and a popularly elected House of Commons. Instead of attending meetings of local councils and Parliament themselves, citizens send representatives, chosen by ballot from a list of candidates. These representatives, who usually wish to retain their position, tend to reflect in Parliament and council chamber the prevailing political opinions and wishes of the people to whose judgment they will again have to submit themselves after a period of years.

The Parties

Candidates for election are, for the most part, members of organised groups called political parties, and it is usual for the party with a majority of members in the House of Commons to form a government with its leader as Prime Minister. Thus it is possible for the ordinary citizen to influence the policy of his country at several stages. He (or she) can take part in the discussions about this policy or that, in his local party meetings, Conservative, Labour or whatever it may happen to be, though he may find his local party organisation moribund or dead and his first task may be to bring it to life. Then he can take his part in the election of his Member of Parliament and, thereafter, continue to keep in touch with him—if only by sending him postcards !—in the hope of keeping him up to scratch. He can write to the papers, take part in campaigns advocating policies which may range from " Pensions for Spinsters " to " Justice for India," and he can play his humble but important part in turning out the Government at the next General Election if it has not given satisfaction to the majority of the electors.

Contrast with the Enemy

This system is the opposite of a dictatorship such as exists in Germany and Italy. In both those countries the leader (Fuehrer and Duce) has established himself by intimidation and force, has chosen his own henchmen, created his own secret police, and, after the first phase of his power, has abandoned all pretence of consulting the wishes of his people, except to obtain from them a regimented " Yes " on certain gala occasions. The only way in which the German people can get rid of their Nazi government (apart from our doing it for them) is to have a " blood bath." The free peoples have invented a way of periodically changing their governments, peacefully and without tears, if they no longer command the confidence of those to whom they must look for their support.

This system of government puts a heavy responsibility on the ordinary citizen. It is he who is ultimately responsible for the policies or lack of policies which made it impossible to prevent the outbreak of this war. Unlike National Socialism and Fascism, democracy is an *adult* form of government which can only be worked successfully by responsible grown-up people. The tragedy of the last twenty years is that the people of the great democracies, including our own, failed so lamentably to rise to their responsibilities.

4. The Unfulfilled Promise—Another Chance

Compared with what we have reason to fear if the Nazis have their way, the condition of Britain is almost heavenly. Once the need for such a dire comparison has been eliminated by victory, however, few people are likely to confuse masses without work, half-derelict mining communities, the slums of Glasgow, the under-sized bodies of ill-nourished children, or the shocking scars on the loveliness of the English countryside with any heavenly thing. The fact is that, in spite of all the social progress in the years between the wars, there is still a great deal which cries out to be remedied in the condition of Britain.

The war has eliminated some of these social evils, notably unemployment, for the time being. Others, such as malnutrition among poor children, have actually been eased by the war-time food policy of the Government. The war has greatly intensified the difficulties of the housing situation, but the blitzing of our cities has created an opportunity, unrivalled since the Great Fire of London, for reconstructing many of our towns and cities on far more civilised and convenient lines. When the war comes to an end, these and many other problems of the transition from war to peace will challenge us to take action, and the democratic way of doing things will again be put continuously on trial.

This is not all. The war has been, among many other things, an excellent teacher of economics. It has shown conclusively that unemployment is not inevitable, and that the things which set the limit to what is possible in improving material conditions are not pounds, shillings and pence, but the quality and quantity of the nation's resources in manpower and raw materials.

Life will not be easy for some time after the war. Continued sacrifices will probably be necessary for several years. But given a clear expression of the democratic will of the people, given unmistakable battle orders to those whom we put in authority over ourselves, there is no reason why we should not make the fullest use of all our resources to create a much finer civilisation than anything we have ever known.

Our Big Ideas

The dynamic idea of democracy, as we have seen, is the belief that every man, whatever his race or colour, should have an equal chance of making the best of what is in him. If we follow this idea wherever it takes us, we shall let ourselves in for

several startling changes—in the distribution of employment and wealth, in the provision of education and other social services, and in the creation of new opportunities for adventure and public service. Applied internationally, it would lead to a great extension of political responsibilities and a lifting of the standard of life of the peasants and factory workers of less advanced countries throughout the world.

Surely in these things there is a challenge to action more compelling, a goal of national endeavour more inspiring, than anything to which the Nazis can look. These are *our* " big ideas," ideas which are in the main stream of human progress, the realisation of which will keep us and our children busy, long after the last Nazi has rotted in his grave.

5. Dynamic Democracy

If we have accepted the challenge of these " big ideas " it is plain that we have taken on a heavy responsibility. There are many lions in the path, and many formidable problems to solve. It is up to us to see that the Government shoots or scares away the lions and to insist that there is no unreasonable delay in translating the ideas into carefully thought-out working propositions. Already, it is good to know that the present Government is making preparation to meet some of the problems which are certain to arise when the war is over and won. Thus a Ministry of Works and Buildings was established in 1940 (later the Ministry of Works and Planning), partly for the purpose of making plans for the reconstruction of blitzed towns and cities ; and early in 1941 a Reconstruction Secretariat was set up under a Cabinet Minister. Official committees of experts have also been set up to deal with the difficult problems of demobilisation, land ownership and compensation, rural industry and the future of the social services. Particular reconstruction problems are also being studied in the Board of Trade, in the Ministry of Agriculture, and in other Government Departments. Outside the Government, private organisations such as Nuffield College, Oxford, the Royal Institute of International Affairs, Political and Economic Planning and the Fabian Society are also at work on the study of post-war problems.

Our Responsibility

These things are good so far as they go, but the responsibility still rests with the ordinary citizen to see that the Government takes the measures necessary for carrying out a sound progressive policy. When the next General Election comes along reconstruction problems will doubtless play an important part in the campaign and electors will have to be prepared to judge between the various programmes which are put forward.

What it Involves

But the ordinary citizen has an even greater responsibility. Government action costs money and this may mean a further increase in taxation. It may involve continuing loss of liberty—for example, an extension of military service or the retention of some Government controls. It may in some circumstances call for harder work or a temporary reduction of earnings. This is the sort of consideration which the ordinary citizen has the right to have put before him plainly, so that he can weigh the expected benefits of any line of policy against its expected pains and costs. He may criticise most vigorously and do all he can to prevent any passage of a measure, if he feels so disposed, but, once the Government has decided on its policy, the democratic citizen must come into line and accept the decision of the majority on any contested point. For only by patience, good-humour and loyalty to majority decisions can the democratic system work.

LOOKING BACK

The black print for the German New Order is being constantly outlined in German practice and prophecy.

1. **Mission :** " We are proud to master the world as Germans. To-day Adolf Hitler is called upon to be the Leader of the world, unhampered by anyone." Governor General Frank, 23rd December, 1940.

2. **Aim :** " A peace that would be guaranteed by the triumphant sword of a people endowed with a power to master the world."—*Mein Kampf.*

" In Germany there is only one opinion about the English—destroy them."—Goebbels, 19th January, 1940.

3. **Settlement :** " The peace-time economy, prepared in a comprehensive plan, must guarantee to the Greater German Reich a maximum of economic security and, to the German people, a maximum consumption of goods in order to increase the welfare of the people. European economics must be directed to this end."—Dr. Funk, 25th July, 1940.

" A lower race needs less food, less clothes and less culture than a higher race."—Dr. Ley, 31st January, 1940.

4. **Method :** Poland " should serve as a school facilitating similar tasks with which the Reich will be confronted later elsewhere."—Governor General Frank, 21st January, 1941.

(*a*) *Indemnities.*—Over all Europe, at a rate per head of population about four times greater than anything attempted from Germany at the end of the last war.

(*b*) *Concentration of heavy industry in or around Germany.*—" After the war the States bordering on Germany will have to be supplied with machinery and apparatus which they will not be in a position to manufacture. Germany will become Europe's tool forge."—*Volkischer Beobachter*, 20th August, 1940.

Thus Germany becomes not only the workshop but the exclusive arsenal of Europe, and so able to dominate Europe indefinitely.

(*c*) *Rest of Europe back to the land*, e.g., France : " A series of provisional administrators will gradually rebuild the country for its new task—that of becoming one of the foremost agricultural states in Europe."—*Munchner Neueste Nachrichten*, 22nd October, 1940.

(*d*) *Surplus labour for export to Germany.*—" After the victorious conclusion of the war, there will be a further increase in foreign labour brought into Germany. The foreign countries, mainly of agricultural character, have largely a population surplus."—Dr. Stothgang, 7th October, 1940.

5. **Prospect :** This German victory " will last for 1,000 years."—Hitler, 1942.

And with Germany in control of the weapons of war, and the production of these weapons, that is just the literal truth.

LOOKING AHEAD

Here, in contrast, is a brief statement of some of the provisions already made by our Government for the study and solution of post-war problems. Notice that it is based only on *published* information. Notice, secondly, that it is only a selection from that published information; it is not the whole story. But the incomplete story is still quite convincing that even in the midst of war, post-war reconstruction is being prepared.

1. **General.**—Consideration, in general, of Social and Economic Reconstruction is the charge of the Paymaster-General who has the responsibility for organising and co-ordinating the work in reconstruction problems, which is being carried out by the various Departments of State. In addition there is a Committee of Ministers, representing the political parties, for considering these questions.

Within this general framework, the Ministry of Works and Planning has a special responsibility for seeing that all practicable preparations are made for the *physical* reconstruction of town and country after the war. The assumptions on which these preparations are being made have been announced:—

(*a*) "That the principle of planning will be accepted as national policy and that some central planning authority will be required."

(*b*) "That this authority will proceed on a positive policy for such matters as agriculture, industrial development and transport."

(*c*) "That some services will require treatment on a national basis, some regionally, some locally."

2. **Specific.**—This list gives some of the subjects on which special committees or councils have been set up, or on which post-war policy has been officially announced:—

(*a*) *Rehabilitation.*—Schemes to operate now and after the war, for rehabilitating, training and settling disabled persons, whatever the cause of disablement.

(*b*) *Demobilisation.*—Schemes for ensuring that "release from the Armed Forces can be effected according to an orderly system of priorities": Committee to consider training of suitable men and women in Forces and in Civil Defence Services for appropriate occupations after the war.

(*c*) *Education.*—Work of Social Reconstruction Survey by Nuffield College, with approval and financial aid of Government.

(*d*) *Hospitals.*—"It is the objective of the Government, as soon as may be after the war, to ensure that by means of a comprehensive hospital service, appropriate treatment shall be readily available to every person in need of it." (Minister of Health, 9th October, 1941.)

(*e*) *Housing.*—Central Housing Advisory Council with Sub-Committees in such subjects as Rural Housing and Design of Houses and Flats.

(*f*) *Agriculture.*—Scott Committee, "to consider conditions which should govern building and other constructional development in country areas, consistently with maintenance of agriculture." Report now issued.

(*g*) *Rebuilding and Public Control of the Use of Land.*—Uthwatt Committee. Report now issued.

(*h*) *Population.*—Government is considering 1939 report of Barlow Commission on Distribution of Industrial Population, in light of present changes.

(*i*) *Social Insurance.*—Beveridge Committee: survey of existing schemes, with a view to thorough overhaul, particularly of health and pensions insurance, and workmen's compensation.

(*j*) *Scotland and Wales.*—Council and Board respectively to consider their special post-war problems.

Some Notes for Instructors

Since almost the whole of the series will be concerned with the rights and institutions which we fight for and with the individual's responsibility for developing them, it might be well to use the first talk mainly for a firm factual outline of what we fight against. Against this statement of the enemy's purpose could be set at the end, in contrast, a brief statement of our own.

1. The Enemy's Purpose

Domination of the world; theory of Master-Race; to achieve this, choice of guns instead of butter made early; so vast military machine built up; how were the guns to pay for themselves? not to be sold or exchanged, in normal trade, therefore must be used for conquest and the conquered territory squeezed to yield up profits on the guns.

(*a*) Indemnities.

(*b*) German control and concentration of Europe's industry.

(*c*) Rest of Europe back to the land or only to light industry.

(*d*) Export of surplus population from agricultural countries to German industry.

Clear outline of German Order: pyramid with German leaders and people at top, resting on slave populations of conquered territory; in that, two freedoms discernible—freedom from war, through permanent German domination, and freedom from insecurity, on a slave status.

2. Our Purpose

(*a*) To defeat the intentions of the enemy.

(*b*) To defend and develop the greater freedoms we already possess:—

Freedom of Worship.
Freedom of Thought and Expression.
Freedom from Want.
Freedom from Fear of War.

3. Prospect

"This is no basis of a distant millennium. It is a definite basis for a kind of world, attainable in our time and generation." (President Roosevelt): already planning for it; but the driving power must be active and informed citizens; the future is ours if we take it and make it.

II. PARLIAMENTARY GOVERNMENT

"We differ from other states in regarding the man who holds aloof from public life not as quiet but as useless." (*Pericles.*)

1. The Growth of Parliament

The chief contribution of the British people to the progress of mankind has been to work out a system whereby ordinary men and women can take a hand in the business of governing their country. This system—Parliamentary democracy—was not invented overnight. It is the product of a long period of evolution and struggle, reaching back over nearly 700 years of eventful history. During these years profound changes have taken place in the character of the English Parliament, though many ancient forms and ceremonies survive to this day and, throughout its history, it has provided an opportunity for Englishmen of more than one social class to speak their mind about the grievances of the day, to influence its making of laws, and to keep an eye on the way in which public money has been raised and spent. After a bitter struggle with the King in the 17th century, Parliament became supreme—but for nearly 150 years it represented only a very small section of the community. During the 19th century, however, the House of Commons was made much more representative. The right to vote was gradually extended until, in 1928, the position was achieved that all men and women over 21 were entitled to the vote—except criminals, lunatics and peers. But more was needed. It is one thing to have a vote; it is another—as the Nazis have shown us in recent years—to be able to use it freely. For this reason the religious or property tests for anyone seeking to become a candidate had to be destroyed, and this done, the payment of members, introduced in 1911, made it easier for poor men to stand. For the same reason the secrecy of the ballot was necessary and our measures for that, and for the prevention of bribery and corruption have certainly given the exercise of the vote in Britain a freedom from intimidation unequalled anywhere in the world.

2. Parliamentary Government To-day

Parliamentary government to-day is still made up of three elements—the King, the House of Lords, and the House of Commons—but in the course of history the relative importance of these three elements has changed a great deal. Constitutionally the King is still the centre and source of government. In his name all new laws are made and carried out. Thus the Royal Assent is legally necessary before any parliamentary measure becomes the law of the land. But the role of the King is now symbolic and formal. The power which he once exercised has passed to Parliament and he no longer takes any part in political life except when his advice is sought by his Ministers. Of the two Parliamentary assemblies the House of Lords has lost much of its former importance since its powers were reduced by the Parliament Act in 1911. The House of Commons—freely elected by the people as a whole—is now supreme.

The King

Although the King no longer exercises any political authority, his importance must not be underestimated. The formality that all laws proceed from the King makes him a living symbol of national unity; at the same time the fact that he has no share in politics prevents any identification with party or policy which would damage that unity. And, of course, above and beyond these constitutional considerations is the personal loyalty to the Royal Family which is shared by British people not only in Britain but throughout the Empire.

The House of Lords

The House of Lords is not a popularly elected assembly. It consists of 783 peers—including 16 Scottish representative peers, 26 bishops, 15 Irish representative peers and a small group of law lords, engaged on highly important judicial work. Very few members of the House of Lords take part in its activities; but those who do include some of the ablest and most experienced men who have served the country and the Empire. It is not commonly realised how many new ideas which later gain general acceptance are given their first "airing" in the calmer atmosphere of the Second Chamber.

The power of the House of Lords to overrule the decisions of the House of Commons has been greatly curtailed since the passing of the Parliament Act. Formerly *all* bills in Parliament had to receive the approval of *both* Houses and the assent of the King before they passed into law. Since 1911 "Money Bills" (that is to say, measures dealing with finance) which are sent up by the House of Commons, but not passed by the House of Lords within a month, become law on receiving the Royal Assent which is nowadays given without question as a matter of form. Any other measure which is passed by the House of Commons in three successive Parliamentary sessions during a period of not less than two years, and is rejected by the House of Lords in each of those sessions will also become law without the consent of the Lords. The House of Lords can delay legislation (other than Money Bills), but it can no longer prevent the passage of a measure on which the House of Commons is determined to press.

In spite of these restrictions on the power of the House of Lords many writers criticise the continued existence of a hereditary "Second Chamber" in a democratic constitution. Some people would like to abolish it altogether. Others would like to reform it. It cannot be said that this is a subject which provokes much excitement to-day. But it is quite possible that it will again become an important political issue in the future.

The House of Commons

(i) *How is the House composed?*—The House of Commons is an elected body composed of 615 members, of whom 528 represent English and Welsh constituencies, 74 come from Scotland, and 13 from Northern Ireland. Of the 615 members,* 300 represent county divisions (rural areas and small towns), and 303 represent borough constituencies (towns and cities). The remaining 12 are elected for the Universities.

(ii) *How do Members get elected?*—A General Election, covering all constituencies, must normally be held in Britain at least every five years, though in war-time Parliament has agreed to postpone it until the danger is passed. In addition, a General Election may be held at any time when the Government in power decides that an appeal to the country is necessary, and Bye-Elections follow the death or resignation of single Members.

While it is true that virtually everyone is "eligible" to stand for Parliament, it does not follow that everyone who wishes to stand is, in fact, in a position to do so. In the first place, it costs a good deal of money to fight an election. In order to discourage "freak" candidatures, every person standing for election has to pay a deposit of £150, which is forfeit unless he polls at least one-eighth of the total number

* It is some time (1918) since the present distribution of constituencies was arranged. Since then the increase in the number of electors and the great movements in population which have taken place have made the scheme much less representative. In 1935, for example, the Hendon Division of Middlesex had over 180,000 electors, while Bethnal Green, S.W., had less than 27,000. The war has resulted in many more changes by increasing the movement of population, and by the fact that those who have reached voting-age since 1939 have not been added to the voting lists.

of votes cast. Then there are heavy expenses for publicity, the booking of halls for speaking and rooms for committee work, and the production of election literature. Even in the case of wealthy candidates, if they have serious intentions of being elected, an election organisation, with a large body of active supporters, preferably under the direction of a professional election agent, is in most constituencies considered absolutely essential. Once elected, it is a very expensive business being a Member of Parliament. The salary of £600 a year does not go very far after the deduction of income tax, secretarial and postal expenses, often the maintenance of two homes (one in London, another elsewhere), and the expenses of "nursing" a constituency for the next election.

Men with private incomes and men who can combine their normal employment with being Members of Parliament (e.g. lawyers, journalists, business directors, trade union secretaries) can get over some of these difficulties. Poor men who can get the backing of a trade union or some other body also find it possible. In any case the need for a permanent electoral organisation is almost inescapable and this means that most candidates—rich or poor—must be sponsored by a political party.

(iii) *The Role of Political Parties.*—No one can understand the working of the British Parliamentary system without taking account of the political parties. They are often criticised but it is very difficult to see how we could get on without them. The isolated individual can do very little, and it is not only natural but necessary for men with broadly similar interests and opinions to combine, if they wish to exert any influence. Parties also play an important part in the political education of the people. In peacetime Parliament is liable to be dissolved at any moment. This means that political parties must be in constant readiness for a General Election. They must carry on a ceaseless campaign of support for, or criticism of, the Government of the day and "by means of a continuous stream of meetings, lectures, pamphlets, broadcasts, conferences, books and other methods, seek to persuade the public of the merits of the policies for which they stand, and the defects in their opponents' programme. For this purpose they must maintain throughout the country a network of local party organisations, most of them with paid secretaries or agents; and a substantial headquarters' staff at the central office."*

Before a General Election takes place there is always a great deal of discussion within the various political parties, concerning the programme on which they are going to fight the election. As a result the electors are given a choice of political policies about which to make up their minds. At the same time the leaders of the various parties usually make public speeches, write newspaper articles, and, what is now very important, give wireless talks. Thus the electors have some opportunity of forming an up-to-date judgment about the men who will constitute the Government if the election goes this way or that.

(iv) *Party Government.*—When the result of the election is known the King (acting according to the custom of the constitution) sends for the leader of the largest party and asks him to form a new Government. Thus in 1935, when the Conservatives and their associates had a clear majority over the opposing parties, the King sent for Mr. Baldwin, the leader of the Conservatives. In 1929, when the Labour Party was the largest party, though it had not a clear majority over all other parties, the King sent for Mr. Ramsay Macdonald, who was at that time leader of the Labour Party. In 1935, Mr. Baldwin was able to form a Government drawn from among his supporters in the House of Commons, in the knowledge that he was certain to get the approval of Parliament for his action. Mr. Macdonald formed a Labour Government, which was, however, dependent on Liberal support in the House of Commons to secure a majority.

* W. A. Robson, "The British System of Government," p. 16.

(v) *The Opposition.*—While the largest party in the House of Commons normally becomes His Majesty's Government, the second largest party becomes His Majesty's Opposition. This is a conception which many foreigners find very strange, and when they discover that the Leader of the Opposition is paid a salary of £2,000 a year out of public funds they are often frankly astonished. Why should we go out of our way to encourage and even to subsidise opposition?

The explanation is, of course, that we have hit upon the device of the "official opposition" as a means of keeping the Government of the day "up to scratch" without sabotaging the conduct of public business. It is the duty of the Opposition, not to obstruct, but to submit the activities and proposals of the Government to searching criticism, to make constructive suggestions and to put forward its own alternative policy plainly, so that the general public can make up its mind about the merits of the case. More than that, the Opposition is essential to the operation of the Parliamentary principle that the majority should not use its power as a heedless steam-roller but should accommodate minority claims. This is constantly being done and Bills are frequently altered, not because their original form was uncertain of a majority but in a desire to satisfy a minority demand.

The existence of an organised Opposition is also a reminder that there is an alternative Government available if the Government loses the confidence of the House of Commons. It is salutary for a Government to know that if they show signs of "falling down on the job" there is another body of men who are ready to take it over from them.

(vi) *Coalition Government.*—In times of national crisis, such as the last war and the war now in progress, party issues are dwarfed by the tremendous task of mobilising all the resources of the country to defeat the enemy. During the last war Conservatives and Labour men joined with the Liberals (who then had a large majority in the House of Commons) to form Coalition Governments, first under Mr. Asquith and later under Mr. Lloyd George. At the outbreak of this war the Labour and Liberal parties remained in modified opposition, but a party truce was declared. In April, 1940, they agreed to enter a National Government, under the leadership of Mr. Winston Churchill. Thus the present Government includes members of each of the three major parties and at the time of writing enjoys the general, though by no means uncritical, support of an overwhelming majority of members of the House of Commons.

3. The Government at Work

The Cabinet

An assembly of 615 people is obviously too large to decide the details of policy or to conduct the day to day business of government. Plainly an executive committee is called for. This executive committee, better known as the Cabinet, is normally composed of leading members of the majority party or group of parties in the House of Commons, together with some members of the House of Lords. Collectively, members of the Cabinet are responsible for all the actions of the Government. Individually, they control the various Departments of State and are known by such distinguishing names as Secretary of State for War, President of the Board of Education, First Lord of the Admiralty, Minister of Health and so on. There may also be one or two Cabinet Ministers without special departmental duties, holding such ancient titles as Lord Privy Seal or Lord President of the Council. They are first chosen and then presided over by the Prime Minister, usually the leader of the majority party, whose position is that of "first among equals."

For war purposes there is now a small inner Cabinet—called the War Cabinet—which at the time of writing (September, 1942) consists of seven persons:—The

Prime Minister (Mr. Churchill); the Deputy Prime Minister, who is also Secretary of State for the Dominions (Mr. Attlee); Lord President of the Council (Sir John Anderson); Lord Privy Seal (Sir Stafford Cripps); Secretary of State for Foreign Affairs (Mr. Anthony Eden); Minister of Production (Mr. Oliver Lyttelton); Minister of Labour and National Service (Mr. Ernest Bevin).

Other Cabinet Ministers usually attend War Cabinet meetings when the business of their own Departments is being discussed.

The Work of the Cabinet

The Cabinet is the central executive committee of Government. It takes the initiative in deciding policy, controlling the Departments of State, conducting foreign affairs, supervising the national finances and arranging most of the business of the House of Commons. In the absence of a friendly House of Commons it could get no money to pay for Government activities and no new laws could be passed. For this reason the Cabinet must always be mindful of the feelings of the House of Commons.

Parliamentary Control

Members of Parliament are very watchful of the activities of Government Departments, especially where they affect the rights of the citizen. When Cabinet Ministers ask the House of Commons to vote them money to carry on their Departments, they have to make a report on the work which they are doing and submit to a cross-examination if the members are not satisfied. Almost every day on which Parliament meets, an hour is set aside for questions to Ministers. This is a time-honoured Parliamentary custom which is used by members, not only to raise matters of high policy, but also to make such enquiries as why Mrs. Jones of Cardiff hasn't got her widow's pension; why John Smith of Sheffield has been wrongfully detained by the police; why the village of Thistlebottom has never had its promised water supply; or why the evacuation of schoolchildren from Blacktown to Whiteshire was such a catastrophe.

If there is strong feeling in the country, as there was, for example, about the "Means Test" (in 1935), about the Abyssinian situation (in 1936), about Tube shelters (in 1940), Members of Parliament soon hear about it in their constituencies. They then raise the matter both in the House of Commons and privately with members of the Government.

Dependence on the support of the House of Commons and sensitiveness to public opinion effectively prevent British Cabinets from developing into dictatorships. On the other hand, the powers of the Cabinet are very far-reaching, especially in war-time. It is chiefly through this device of a Cabinet that Parliamentary Government is able to deal with an urgent situation swiftly and decisively.

4. The Advantages of the British System of Government

The British system of parliamentary democracy has five great advantages:—

1. It makes it possible for practically every grown-up person to take part, without fear or favour, in the free election of a government.
2. It provides a reasonable chance of obtaining a stable government, with far-reaching executive powers, normally based on the support of a large party with a majority in the House of Commons. (Contrast the experience of pre-Nazi Germany and pre-war France with their unstable governments based on uneasy alliances between groups of parties.)
3. It provides means whereby the ordinary citizen can bring pressure to bear on the government of the day through his party organisation or through the intervention of his Member of Parliament.

4. It makes it possible (as a result of the party system) for the ordinary citizen to choose between alternative political programmes and between alternative groups of political leaders—taking account of their past records in Government or Opposition as well as of their promises for the future.
5. It provides a peaceful means of removing a Government which has fallen into disfavour and of replacing it by another Government which commands more confidence.

5. Some Criticisms of the System as it Stands To-day

We have every reason to be proud of our system of Parliamentary democracy. But no system is perfect, and many who recognise its good qualities have criticised some of its features. Some of these criticisms are well worth discussing; for example:—

1. There are many who claim that we should "get away from party politics" altogether. They think the "best men," irrespective of party, should run the country. In times of war and crisis, where there is general agreement about immediate aims, most people accept this view. In normal times, when greater divergencies of view are almost inevitable, it is not so simple. On what basis are the "best men" to be chosen? Is it likely that they will all agree? If some of them do not, will they be an effective Opposition unless they form some kind of Party?
2. Among those who believe in the retention of the Party System there are many who consider that the political parties are not sufficiently careful about their selection of Parliamentary candidates. They think that electors are often given a very poor choice and that many suitable men and women have no chance of being considered under present conditions. Would it help for the State to limit and pay the election expenses of all candidates, provided a minimum of support was gained?
3. There are others who think that the electoral system is not truly representative, leading in various ways to disparity between votes cast and seats won. Thus in 1931, the Labour Party which had 288 seats lost 236. Yet its total vote dropped only from 8,400,000 to 6,700,000, but the comparatively slight swing-over was so distributed as to tip the balance in a very large number of constituencies. As a remedy some people favour systems of "proportional representation" which take many forms but aim essentially at giving to each party a number of seats, proportional to the total votes it gets in an area much larger than the present constituency. It should be noted that the present Government has given an undertaking that the electoral question will be studied after the war "when a General Election becomes practicable."
4. Government business is now so extensive and complicated that some observers believe that it is impossible for Parliament to exercise effective control over the Departments of State. Some people think this could be overcome by introducing a system whereby Committees of M.Ps. would supervise the activities of particular Departments. Others suggest that there should be some measure of devolution, perhaps by delegating control of more local affairs to national authorities for Scotland and Wales, and even to regional authorities in England.
5. Many people think that Parliament is too slow for the times. They suggest that it should be speeded up by cutting out unnecessary formality and ceremony.
6. The first necessity for making Parliamentary Government work is the driving power of an informed and active electorate. Would compulsory voting help to produce this?

6. The Conditions of Survival

We have every reason to be proud of our system of parliamentary democracy. It has been a powerful instrument of social progress in the past. It can be so in the future ; but only on these conditions :—

(i) We must win this war. Hitler would enjoy smashing our Parliamentary system.

(ii) We must defend our civil liberties. Without free assembly, free speech, a free press, and fair broadcasting, Parliamentary democracy would be a sham.

(iii) We must maintain our tradition of tolerance in politics. Most good ideas were minority ideas once.

(iv) We must find out what politics is about and learn to be responsible citizens. This means study, argument, taking part in political life, and keeping our public representatives up to the mark.

(v) Above all, we must see to it that our Parliament is true to its own tradition—by keeping on reforming itself and by continuing to serve as a watchdog of liberty.

Some Notes for Instructors

Whatever selection of material is made for the talk it would be worth while to arrange it so that the emphasis is laid not on how we are governed but on how we govern ourselves. There should, of course, be as much quotation as possible from current events and speeches. The following outline, adequate for about half-an-hour's talk, places the responsibility of the citizen in the foreground and deals with Parliamentary structure as a necessary but incidental explanation of that responsibility.

1. **What Parliament is.**—Hardly any limit to what it can do : e.g., Essential Powers (Defence) Act of 1940 gives the Government power to conscript persons and property and to direct any person to perform such services as the Government thinks necessary to defend the country.

Where in Parliament does that power really lie ?

(*a*) *King.* (*b*) *Lords.* (*c*) *Commons.*

Complete control by Commons, subject to power of delay by Lords : Who, then, takes care of the caretaker ? Who controls the Commons ?

2. **Your Control.**—By selection of candidates, election of members and the inspection of them at work.

(*a*) *Selection of Candidates.*—System of Parties : Inevitable and on the whole fair : Citizens' responsibility can begin by membership of one of the parties.

(*b*) *Election of Members.*—System of elections : Extent of franchise : Function of vote—not to direct member on every detailed issue, but direction of general lines of policy.

(*c*) *Inspection.*—Commons at work : Majority and Cabinet : Opposition : Necessity for close watch by citizens through free press : Methods of pressure open to citizens and some examples of effective action.

And after inspection, the final possibility of ejection.

3. **Conclusion.**—Advantages : Some questions of improvement, arising not from dislike of the principles but from effort to improve the way of working.

In the end, all depends on the quality of the citizens. Our representatives will represent us. If ever they should be incompetent, it means that they represent our laziness or our prejudice instead of our interested and informed activity.

III. LOCAL GOVERNMENT

Local Government "is the first line defence, thrown up by the community against our common enemies—poverty, sickness, ignorance, isolation and social maladjustment." (*Winifred Holtby*).

1. Relation of Central and Local Government

The idea of local self-government is to be found very far back in British history. It existed in some form long before national self-government was thought of at all. Even in Roman times there was a kind of " municipal council " in York, Lincoln, Colchester and other towns of the period. London is thought to have had some form of self-government before the Norman Conquest. Bristol and Newcastle have been Royal Boroughs for over a thousand years. Although times have changed and, with them, many of the forms and practices of these ancient boroughs, the spirit of local independence which they expressed has never been allowed to die.

And the need for that local government has of course increased as the central government has become more and more active in promoting and directing the welfare of the people. While it was still considered the business of the government simply to hold the ring, within which private individuals lived and moved and had their being, largely free of any control, the State required comparatively little in the way of administration or machinery for intervention. But increasingly the Government has come into the ring, active and positive, providing a vast network of services and controls. To carry these out effectively, it has become necessary to break down the State into smaller pieces to meet the need for detailed administration. This process of " breaking-down " may be done in two ways. The first is to send out officials from the centre to establish regional and local offices and this method is seen in the organisation of the Ministry of Labour. The second method is to delegate some of the power to locally-elected authorities, which under the appropriate ministries of Parliament carry out certain functions. This delegation makes these authorities very important in the government of Britain. Some, like the London County Council and the West Riding County Council, cover populations equal to some European States, have annual budgets of millions of pounds and employ very large staffs.

2. Powers of Local Authorities

Under the second method, then, all power of the local authorities " is derived from Parliament and consequently no local authority may do anything for which it is not possible to show that the duty or the power to take such action has been expressly conferred "* by Parliament. But this does not mean that the local authorities simply rubber-stamp and carry out detailed policies specified by Parliament. It is true that a good deal of what they do consists of duties imposed by Parliament, i.e. Parliament passes what are called " *mandatory* " laws, stating that a local authority *shall* do such and such a thing. But it would be entirely against the tradition of local authorities, and against the fact of their local election, if they had no power of initiative and of local progress. This need is met in various ways : by " *permissive* " laws in Parliament which state that a local authority *may* do something and leave the ultimate decision to the local authorities : by the scope of the local authority for getting Parliament to pass a local Act, permitting a special local experiment, e.g. a municipal bank in Birmingham ; and in a more minor way by the power of local authorities to pass bye-laws, dealing for their areas with such

* C. Kent Wright, " The A.B.C. of Local Government," p. 171.

minor matters as the refusal to allow the erection of shanties in the back-garden. It is of course the duty of the voters to see that their local authority makes the fullest possible use of these powers.

3. Structure of Local Government

Since 1929 the pattern of English local government has remained the same. Apart from London—which is a special case—there are six kinds of local council :—

83 County Borough Councils.
62 County Councils.
289 Municipal Borough Councils—for middle-sized towns.
650 Urban District Councils—for smaller towns.
485 Rural District Councils.
11,300 Parish Councils (or Parish Meetings).

The work of these authorities varies in scope from the County Boroughs, which perform *all* local government functions in the larger towns and cities, to the Parish Councils (or Parish Meetings) which perform a few limited responsibilities in small country areas.

Outside the large towns, England and Wales is divided into 62 administrative counties, within which the work is divided between different authorities.

In the middle-sized and smaller towns the work is divided on a *two-decker* basis between the *County Council* (which looks after secondary education, public assistance, public libraries and some other services throughout the county) and the *Municipal Borough or Urban District Councils* (which are responsible for the rest of the work in their areas).

In the rural parts of the county the work is divided up on a *three-decker* basis between the County Council, the Rural District Councils, and the Councils (or Meetings) of Parishes—into which the Rural Districts are further divided.*

An Example from Derbyshire

This arrangement of local government areas is easier to follow if the position in a particular county is examined. Derbyshire, for example, has one County Borough—Derby—with a Council which looks after *all* local government matters in the town. The rest of Derbyshire is divided into the municipal boroughs of Buxton, Chesterfield, Glossop and Ilkeston ; 16 Urban District Councils, of which Alfreton and Bolsover are two examples ; and 9 Rural District Councils of which Bakewell is one. If we happen to live in Derby the whole of our local government business is transacted by the Derby County Borough Council. If we live in Chesterfield we find that the Town Council owns its own gas, electricity, public library and has its own police force and manages elementary education, whereas the Derbyshire County Council is responsible for secondary education, public assistance and for the maintenance of most of the roads. If we happen to live in the parish of Youlgreave, in the rural district of Bakewell, we shall have not two, but three councils. The Youlgreave Parish Council provides allotments and helps to maintain the village hall; the Bakewell Rural District Council deals with sewerage, provides a piped water-supply, and has built a number of cottages ; and again the Derbyshire County Council is responsible for education and public assistance and directly maintains most of the roads.

* Not every Parish has a Parish Council. Some are content to be looked after by the Rural District Council. Others confine themselves to a Parish Meeting, i.e. a periodical meeting of local electors which can make official representations to the Rural District Council on parish matters.

Local Government in London

Owing to its size and importance the local government of London has always presented special problems. For its origins we have to go back to Roman times, but the modern system is, for the most part, of recent date. The City Corporation of London—which governs the historic square mile in the business centre of the city—is an ancient foundation, but the much more important London County Council was not created until 1888. The 28 Metropolitan Boroughs into which (together with the City Corporation) the County of London is now divided only came into existence in 1899.

The City Corporation performs all local government functions in its small area. In the 117 square miles of the county of London outside the city the work is divided between the L.C.C.—which is responsible for all forms of education, public assistance, some public health matters, and many other activities—and the Metropolitan Boroughs—which administer, among other things, local sewerage, drainage, and sanitation, the removal of refuse, the provision of maternity and child welfare centres, libraries, baths and washhouses, street lights and markets. Unlike other County Councils the L.C.C. has no control over main roads (although it can name them) or the police.

Some services in London are provided by special authorities. Thus the London Passenger Transport Board is a public authority responsible for all forms of transport in the Greater London area. The Metropolitan Water Board supplies water ; and the Port of London Authority controls the port facilities. These bodies serve areas much wider than the County Council area, which includes little more than half the population of Greater London.

Local Government in Scotland

The history of local government has followed a rather different course in Scotland and, although the basic principles are the same, Scottish local government has some features which are not found in the English system. The great reforms in local government which took place in 1929 went very much further (some people think far too much further) in Scotland than in England. Thousands of small local government units were abolished and a very simple arrangement was left. There are now 33 County Councils and 4 large Burgh Councils (Glasgow, Edinburgh, Aberdeen and Dundee) which exercise all local government functions, except—in the case of the County Councils—the few limited functions exercised by the 20 remaining large burghs and the 171 smaller burghs. There are no Urban or Rural District Councils or Parish Councils in Scotland. Rates in Scotland are levied on a rather different principle from the English system (there is an " owners " rate and an " occupiers " rate). The chief central government departments which supervise Scottish local government are the Scottish Office, the Scottish Department of Health, and the Scottish Education Department, all of which have their headquarters in Edinburgh.

4. What Local Authorities Do

Local councils are now responsible for a wide range of services touching the life of the ordinary citizen at many different points. Broadly speaking they fall into four groups :—

(i) **Social Services : to improve the personal well-being of the individual.**

Some social services are provided for citizens of a particular age, e.g. maternity and child welfare, school medical services, education, junior instruction centres, houses for elderly people. Others are concerned with all citizens in misfortune, whether due to disease or poverty, e.g. hospitals and clinics, the welfare of the blind, mental health services, public assistance.

(ii) **Environmental Services : to improve the environment of the citizen.**

For convenience environmental services can be classified in three groups—those responsible for (*a*) provision, (*b*) prevention, (*c*) removal.

(*a*) *Provision*	(*b*) *Prevention*	(*c*) *Removal*
Housing.	Prevention of nuisances.	Sewerage disposal.
Town Planning	Prohibition of sale of milk	Refuse removal.
Highways and bridges.	from tuberculous cows,	Street cleaning.
Street lighting.	etc.	Elimination of rats and
Baths and wash-houses.	Prevention of flooding.	vermin.
Parks and pleasure grounds.		

(iii) **Protective Services : against breaches of the law, fire, enemy action, etc.**

Until recently the main protective services under the control of local authorities were the police, fire-brigade services, and the various civil defence services. Throughout the country the police are partly under the control of the central government. In Greater London, the Metropolitan Police are under the direct control of the Home Office. In 1941 the local responsibility for fire protection was transferred to a newly created National Fire Service.

(iv) **Trading Services : such as provision of gas, water, electricity.**

Most local authorities in urban areas and some country authorities have established trading undertakings of various kinds. For the most part these undertakings are public utilities—that is, undertakings supplying essential public services, such as water, gas, electricity, and local transport. The annual expenditure on these services by all local authorities increased from £8·6 millions in 1885 to £106·7 millions in 1931.

5. How the Councils are Composed

Election

The local councils are representative bodies elected by those paying rates in respect of land or premises which they occupy. This limitation of the franchise to ratepayers rests on the principle that the right to vote should belong only to those who have a financial responsibility in local government. Though the husband or wife of someone paying rates is also given a vote, the limitation excludes many others who have a parliamentary vote, such as people living in furnished lodgings and the sons and daughters of the house.

Elections normally take place every year, when a proportion of the Councillors retire in rotation. The L.C.C. follows a rather different course, the entire Council being elected every three years.

Councillors and Aldermen

In the county borough, the county and in the municipal borough, provision is also made for the Council to appoint aldermen, to the number of one-third of the Council. The aldermen are usually men with long records of local public service. They are members of the Council and enjoy a longer term of office than the elected members. All service by councillors and aldermen is voluntary and unpaid, though county councils pay expenses incurred by members who have to travel to council meetings and committees.

The civic head of a City is called the Lord Mayor. County boroughs and municipal boroughs which are not "Cities" have Mayors. Lord Mayors and Mayors preside over the meetings of their Councils, but they do not exercise the executive powers which many mayors and burgomasters possess in other countries. They receive no salaries, but they usually receive allowances for entertainment

expenses. A County Council, District Council or Parish Council is presided over by a Chairman who is normally appointed every year.

In Scotland, of course, the appropriate civic heads are called Lord Provosts and Provosts.

The Committee System

Owing to the increasingly wide range and complex nature of local government activities, the main work of most local councils (apart from the Parish Councils) is now done in committees, though the committee decisions must be approved by the Councils. The number of committees varies with the size and importance of the work. The larger authorities normally have at least an education committee, a public health committee, and a finance committee, but some councils work through large numbers of committees on various subjects. Cities, such as Birmingham or Liverpool, will have over thirty committees and more than a hundred sub-committees of one sort and another.

Every member of a local council normally serves on one committee or more and several sub-committees. Most councils make a practice of co-opting outside persons to committees.

The Local Civil Service

The elected representatives make the decisions of policy : the carrying out of these decisions is largely the work of the local government officials. The Medical Officer of Health is in charge of the Council's health services. He is the administrative head of the Public Health Department—with its staff of assistant medical officers, doctors, nurses, infant welfare officers, sanitary inspectors and so on. The Director of Education is in the same position with regard to the education services, and the Borough or County Treasurer, the Borough or County Surveyor and the Chief Constable—to name only a few other senior officials—are responsible for the services which their names imply. The Town Clerk, County Clerk, or Clerk to the District Council—as the case may be—is the chief legal officer, though in many places he carries out a wide range of functions which give him a position of great authority and influence. Excluding teachers there were, in 1939, over 160,000 persons in the service of local government authorities in England and Wales. It is upon the efficiency of these public servants that the quality of the work performed by the local authorities very largely depends.

6. How the Councils Pay Their Way

Local Revenues

The total annual revenue of local authorities in England and Wales came to rather more than £680 millions in 1938—more than half as much as the total revenue of the central government, and over one-seventh of the value of all the goods and services produced in the country during a year. Another way of putting it is to say that local government costs about £17 per head of the population.

This large sum was made up roughly in the following proportions :—

Forms of Current Revenue=4/5		*Specially Raised for Capital Expenditure*=1/5	
Rates	£190 millions	Loans and some smaller items	£140 millions
Trading Services	£150 ,,		
Government Grants ...	£140 ,,		
Rents from Property and Miscellaneous	£60 ,,		

It is worth-while looking at some of these items in more detail.

The Rates

Although " the rates " are responsible for a much smaller proportion of local government income than most people suppose, they are the most important single source of local revenue. They take the form of a local tax, levied on the estimated annual value of fixed property such as houses, shops and business premises (but not industrial buildings which have been " de-rated " since 1930). Thus if the estimated annual value of fixed property in a town is £2 millions, a rate of 10s. in the £1 would bring in £1 million to the local exchequer.

The rates levied in different areas vary widely, partly according to the " rateable value " of the local property and partly according to the burden of local expenditure. Prosperous towns which have a lot of taxable property and only a small expenditure on social services, tend to have low rates. Depressed towns with heavy social service expenditure tend to have high rates, even though they receive extra help from the central government in the form of " grants-in-aid." In Hastings a rate of 9s. 8d. in the £ brought in £358,693 in 1938; whereas in Merthyr Tydfil (with a population roughly the same size) a rate of 26s. 6d. in the £ brought in only £297,514.

Grants-in-Aid

Inequalities in the economic position of different local authorities are, to some extent, ironed out with the help of grants-in-aid from the central government. Some of these grants are paid on a percentage basis—for example, 50 per cent. of all approved expenditure on secondary education. In some cases, the percentage is varied according to the economic condition of the area—for example 60 per cent. of approved civil defence expenditure in Hastings, 75 per cent. in Merthyr Tydfil. But a considerable amount of central government assistance is given in the form of " block grants " for general use. These grants are distributed according to a complicated formula which takes into account the special circumstances in each area.

In 1937 Hastings—with a relatively small child population and low unemployment—received £157,000 in the form of grants-in-aid. Merthyr Tydfil, with its large child population and abnormally high unemployment, received over £300,000. Nevertheless, as we have already seen, the citizens of Hastings have a much lighter rate burden than the citizens of Merthyr Tydfil.

Local Loans

When a local authority incurs capital expenditure—say for a new water scheme, new housing estates, or new schools—they frequently raise the necessary capital by borrowing from the public. Local government borrowing increased enormously during the years between the two wars and this has been the cause of some expressions of alarm. The total amount of outstanding debt, owing by local authorities in England and Wales, was £1,595 millions in 1939. It should not be forgotten, however, that this was offset by such assets as municipal property and revenue-earning undertakings, greatly exceeding this sum in value.

7. The Future of Local Government

Local self-government has played—and continues to play—an important part in the social life of Britain. It is responsible for a vast range of services upon which millions of people depend for their comfort and happiness. It is a training school in citizenship and a nursery of democratic leadership. The system is not without its weaknesses, but there is no lack of suggestions for improving its organisation, personnel and methods of work.

Few, if any, critics of British local government go so far as to suggest that it should be abolished and replaced by the direct rule of the central government. Many believe, however, that great changes ought to be made if our local services are to be as efficiently run as they should be.

Criticisms and Suggestions.—The main criticisms of the working of local self-government in Great Britain to-day are these :—

1. *Lack of Interest.*—As Lord Snell has written, " the average town-dweller still imperfectly realises that to him and his fellow citizens, rich and poor, belong the public assets of the town; that they and not the Mayor and the Council are the proprietors of the town hall, the employers of the dustmen, the policemen, and the other local functionaries."

Many seats on local councils are not contested at all and the proportion of citizens who take the trouble to vote at local government elections is very low. Throughout the country only about half its electors go to the poll at municipal elections (compare 75 per cent. at parliamentary elections). In Birmingham the highest percentage of the electorate who voted in contested wards was 36·5 per cent.

More education for citizenship is plainly called for. Would it help to extend the franchise beyond the present limits? Does the party system help or hinder the interest in local government?

2. *Quality of Councillors.*—It has been pointed out that only a few classes of people—those with leisure or occupations, such as shopkeepers and trade union officials, which they can combine with council duties—are in a position to stand for election. Some believe that the position would be greatly improved if councillors were paid salaries like members of Parliament. It is said that this would make it possible for many able men and women to stand for election who cannot now do so.

3. *Quality of Local Government Officials.*—Conditions vary greatly between different authorities. In some areas standards are very high, in others not so high. Some authorities go in for " in-breeding," i.e. they seldom appoint an outsider. Entrance by competitive examination, like the central government Civil Service, is insisted on only by a few progressive areas. Training courses for public administration are attended by very few local government officials. Some believe that we ought to have a single local government Civil Service for the whole country, with standard qualifications laid down for all local civil servants, according to their branch of work.

4. *Local Government Areas.*—The present arrangement of local government areas is based on conditions which existed before the coming of modern motor transport. There are absurd differences in the size of areas of the same class (West Riding, 1½ millions; Rutland, 20,000). Many local authority areas are far too small to provide particular services efficiently. Electricity and gas, for example, should be provided for very large populations to obtain maximum efficiency. Institutions like technical schools and hospitals often serve areas much wider than the area of the local authority providing them.

Many local authorities join together for the purposes of providing some services, for example, water supply and special hospitals. But it is now widely thought that many of the large scale services, such as gas, water and electricity supply, education, and medical services, should be transferred to some kind of *regional* authority covering a very much wider area. In any case some reorganisation of existing local authority areas and a redistribution of the work which they do can hardly be avoided.

8. The Citizen's Task

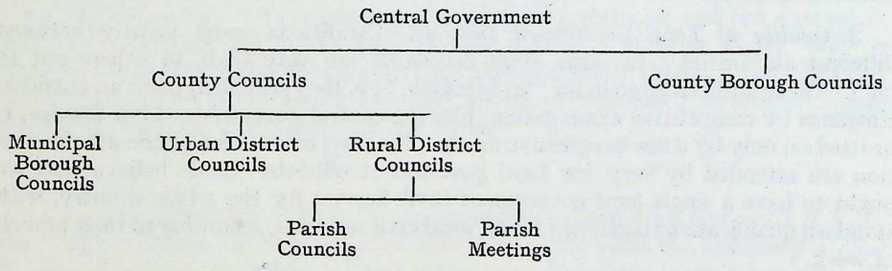
The future of local self-government is very largely in the hands of the ordinary citizen. If he takes the trouble to find out what his local council is responsible for, how it is carrying out its duties, and what its problems are, he will have made the right beginning. But he must go further. He must use his influence to get good candidates chosen (perhaps stand as a candidate himself), advocate sensible progressive policies, and do all he can to see that good candidates and sensible progressive policies gain the day. Only in this way can local self-government in Britain be given the new vitality which it needs to cope with the tasks of reconstruction with which it will be faced at the end of this war.

Some Notes for Instructors

An assumption of ignorance and apathy about local government is too often fully justified. Accordingly the talk might open with a quiz on what is known about some of the most vital services provided by the local councils. Then—the diagram having been prepared beforehand—the exposition might move on the following lines :

1. **Introduction.**—Services that touch us most closely and most constantly, provided by local government ; all the way from birth to death, covering maternity hospitals, schools, housing, recreation and finally cemeteries.

2. **What it is.**—Need to break down state into smaller pieces for detailed administration ; so network of local councils under central government, as follows (excluding London).



Powers of local government—what it must and may do.

3. **What it can do about you**

   (*a*) *Rates.*—Other methods of getting money.

   (*b*) *Services.*—Social ; environmental ; protective ; trading.

4. **What you can do about it.**—System of election and representation ; much more than the recording of the vote, since local government is more immediately responsive to local pressure than Parliamentary government.

5. **Conclusion.**—Possibilities of improvement.

IV. LAW AND JUSTICE

" The impartial administration of justice which secures both our persons and our properties is the great end of civil society." (*Sir William Blackstone*).

1. The Rules of Living Together

Throughout their history the British people have always held the common-sense view that the business of living together ought to have rules—like a game—and that everyone, including the Government itself, ought to keep these rules. Long ago it was realised that to live without rules would be to live without certainty or safety, for every man would be " a law unto himself," and the way would be open for the more powerful and unscrupulous members of the community to take advantage of the less powerful and the honest.

The English Common Law

In the early days of English history the common rules of living were known as the " Common Law." They were not written down like the rules of a modern football club or even like an Act of Parliament, but they were part and parcel of the customs of the country, handed down from generation to generation, and interpreted according to the changing needs of changing times by the lawyers and judges in the Common Law Courts. When cases came up for decision the practice was, not to look at " the book of rules " to find out what " the law " was, but to examine the " precedents "—that is to say, all the decisions which had been made in previous cases of the same kind, and to come to a common-sense decision on this basis.

This meant that the English Common Law was not rigid and unchanging, for the judges were bound to be influenced in making their decisions by the circumstances of the time in which they lived. But the fact that so much attention was given to " precedent," to what had happened in the past, tended to make the Common Law Courts rather conservative, and it became necessary to devise means of bringing the law and its interpretation more rapidly into line with changing conditions.

Statute Law

With the establishment of a Parliament it became possible to make a new law or to change an existing law by passing an Act or Statute. As Parliament gained in authority, Statute Law became more and more important and, although the Common Law is still influential, it is in Acts of Parliament that most of the rules of living together are nowadays set out. Parliament is now the supreme law-making and law-changing authority, and, as it is elected by and responsible to the people of Britain, it may be fairly claimed that the rules which govern the common life of the people of Britain are made and unmade subject only to the approval of the people themselves.

2. Administering the Law

Most people agree on the necessity for having " rules " and, provided that the " rules " appear to be sensible and fair, the great majority of people observe them without question, even if they are sometimes irksome. But disputes are bound to arise as to whether the law has or has not been infringed ; people's rights under

the law in particular circumstances are not always clear ; there are conflicts over the interpretation of the law ; and, human nature being what it is, there is always the problem of dealing with those who are accused of breaking the law. For these reasons Courts of Law came into existence in England many hundreds of years ago and the lineal descendants of these Courts—some of them still observing some ancient customs and picturesque ceremonies—are at work to-day.

The Legal Profession

Round this administration has grown the legal profession in which it is essential to understand the difference between barristers and solicitors. Barristers (counsel) are all members of one or more " Inns of Court." The Inns of Court are colleges of barristers, and everyone, before being called to the Bar, must be a member of one of them. A barrister is not allowed to have any dealings direct with the lay client and may not receive instructions from, or have interviews with members of the lay public without the intervention of a solicitor. A barrister may not sue for his fees, but on the other hand he cannot be sued for negligence.

Solicitors (so called because they solicit the services of members of the bar to plead their cases in court, or at least that is the idea) do all the paper work necessary for preparing a case, and are not allowed to plead in court except in police courts and county courts.

Civil and Criminal Courts

The machinery for administering justice in England is best considered in two principal parts : (1) Courts which deal with civil cases, and (2) Courts which deal with criminal cases.

Civil Law is that which deals with the relationships of private individuals (the word " individuals " including, for this purpose, associations of individuals, such as companies, trade unions and government departments). The bulk of the work of administering civil law is concerned with :—

(i) breaches of contract (for example—debt, failure to deliver goods which have been ordered, or any failure to carry out an agreement) ;

(ii) torts (that is civil wrongs, which, however, in some cases may also be crimes, as, for example, assault, libel, and wrongful taking away of goods) ;

(iii) property relationships (for example, the administration of estates, winding up companies, bankruptcy, patent law, etc.) ;

(iv) matrimonial matters (for example, legal separation and divorce).

Criminal Law deals with acts which do not only concern the private individual harmed by them, but are deemed to harm the whole community, and therefore to be an offence against the King. A criminal case is therefore called " Rex *versus* So and so." It takes the form of an action by the King against the alleged wrong-doer. With very few exceptions in such cases, the accused person is presumed to be innocent until he is proved, beyond reasonable doubt, to be guilty of the offence with which he is charged ; the " burden of proof " is on the prosecution to prove their case, and until they have, by the evidence they call before the court, made out a case which requires answering, the accused is not obliged to say anything or to explain away the charge made against him.

The principal types of courts dealing with civil and criminal cases respectively are as follows :—

Civil Law	Criminal Law
1. Courts of Summary Jurisdiction (" Police Courts "). Very limited powers to deal with civil matters.	1. Courts of Summary Jurisdiction (" Police Courts ").
2. County Courts.	2. Quarter Sessions.
3. High Court of Justice : (i) the King's Bench Division ; (ii) the Chancery Division ; (iii) the Probate, Divorce, and Admiralty Division.	3. Assizes (in the country) Central Criminal Court (in London).
4. The Court of Appeal.	4. The Court of Criminal Appeal.
5. The House of Lords.	5. The House of Lords.

3. Civil Courts

Courts of Summary Jurisdiction

" Police Courts " have only very limited power to deal with civil cases, which consist principally of certain small matrimonial matters, claims for wages, and landlord and tenant matters. These Courts will be dealt with more fully when the administration of criminal law is considered.

County Courts

There are about 450 of these courts, which, in spite of their name, are not arranged on a county basis, but according to the needs of the population. They are formed into geographical groups called " circuits," each of which is worked by a professional whole-time judge (sometimes two judges) and a registrar. They were originally set up by statute in 1846, and have been brought up to date from time to time since then. They were intended to provide an inexpensive court for the trial of the small, everyday kind of dispute in which the ordinary man is likely to get involved. Their rules of procedure are less strict than those of the High Court, so a party to a case *can*, with the help of the judge, get along without having to pay a lawyer to appear for him (though it is seldom advisable to do so).

The bulk of their work concerns small debts, landlord and tenant matters, workmen's compensation claims, and small " running down " cases (the term used by lawyers to denote road accident cases). The hopes of those who set up the County Courts as a popular tribunal for the poor man have not been entirely fulfilled. Although the costs of litigation in a County Court case are generally far less than in a similar case in the High Court, they are a severe consideration for a poor man who loses an action, as also for one who is thinking of starting an action.

The High Court of Justice

The High Court of Justice is divided into three Divisions : (i) the King's Bench Division ; (ii) the Chancery Division ; and (iii) the Probate, Divorce and Admiralty Division.

There are twenty-eight High Court judges, and the High Court has unlimited civil and criminal jurisdiction.

(i) *The King's Bench Division* deals with breaches of contract and torts, and the principles of law it applies are exactly the same as those applied by the humbler courts, already referred to, in similar cases. The same rules apply to Tom, Dick or Harry agreeing to buy a bicycle and failing to pay the instalments, as to a corporation with a world monopoly of an essential commodity agreeing to buy a million pounds' worth of wheat, and not paying for it. One judge of the King's Bench Division has assigned to him " the commercial list," namely cases which are particularly commercial in character, and involve points about the interpretation of documents and so on. The cases in the commercial list usually involve matters of carriage of goods by sea, marine insurance, and so on. Another judge has assigned to him the revenue paper, namely cases dealing with income tax, excess profits tax, etc.

The whole of the High Court sits in London, but at certain times of the year, some judges of the King's Bench Division go on tour, and each judge appointed for the job goes to each principal town on a Circuit and holds Assizes, which will be more fully dealt with when criminal courts are considered. In dealing with civil cases, the Assizes are equivalent to the High Court. Certain divorce cases can also be tried at Assizes.

(ii) *The Chancery Division* deals with the administration of estates, trusts, wardship of infants, patents and copyrights, company matters, partnerships, mortgages, and some other matters not of general interest. The delays in its procedure were the subject of scathing ridicule in Charles Dickens' " Bleak House," which is said to have done much to get it reformed.

(iii) *The Probate, Divorce and Admiralty Division* does work of a kind which is obvious from its title. Probate is, in short, putting the provisions of a will on to an effective legal basis ; Admiralty covers mainly collisions at sea, etc.

These three ill-assorted classes of business are dealt with in the same court because in 1873, when a multitude of separate courts were amalgamated into one " Supreme Court of Judicature," (which consists of the High Court and the Court of Appeal), these three classes of work were, it may be said, comparatively small " left-overs," two of them, namely Probate and Divorce, being formerly within the province of Ecclesiastical Courts. At the time it seemed convenient to put them together into one Division.

Divorce gives this Division the great majority of its work, and it has been pointed out that it is incongruous and difficult for judges who, when they were barristers, practised only in Divorce, suddenly to find, when made judges, that they have to learn Admiralty law, and *vice versa*.

There is also a Divisional Court of the High Court which usually consists of three judges. The Divisional Court has original jurisdiction in various procedural matters, including the granting of writs of Habeas Corpus, and is also, under certain circumstances, a court of appeal.

High Court judges must be selected from barristers of not less than fifteen years' standing.

The Court of Appeal

The Court of Appeal hears appeals from the High Court and from County Courts. It consists of three Lords Justices, and in normal times there are two such courts sitting.

The House of Lords

The House of Lords is the final appellate court for England and Wales, and Scotland and Northern Ireland. In theory, all members of the House of Lords may sit to hear an appeal, but in practice it is contrary to etiquette, and unheard

of, for any Member other than the legal members to sit ; the legal members have been made Peers as being judges of outstanding distinction. Generally five Lords of Appeal sit, and the President of the House is the Lord Chancellor.

The Law Lords also sit on the Judicial Committee of the Privy Council, which is the final court of appeal from all parts of the Empire overseas except Eire, which has renounced its jurisdiction.

4. Legal Aid in Civil Cases

At present the help given to persons who are unable, owing to lack of means, either to ascertain or to enforce their legal rights, takes two forms. At local centres there are Poor Man's Lawyers and Citizens' Advice Bureaux, which give free legal advice. In London and in the provinces there are Poor Persons Committees set up and controlled by the London and Provincial Law Society (the professional organisation of Solicitors—in a sense the Solicitors' trade union), which arrange for free legal assistance by counsel and solicitors. Such assistance may only be granted to persons " not worth " £50, or in exceptional circumstances, £100, and whose income does not exceed £2 a week or in exceptional cases £4 a week. This Poor Persons Procedure only applies to civil proceedings in the High Court and does not, unfortunately, apply to county courts, in which the great majority of the litigation of poor people goes on. These arrangements are useful so far as they go, but they are often criticised for not going far enough. The deficiencies of the existing system are said to be these :—

1. The Poor Man's Lawyers and Advice Bureaux are voluntary bodies and are usually appendages to religious or political organisations. Their existence is not always known. Those giving their services are usually young and comparatively inexperienced barristers and solicitors, and their services are usually strictly limited to the giving of advice.
2. The Poor Persons Committees consist of solicitors. If they decide not to take up an applicant's case there is no appeal from their decision. Each Committee is self-governing, so that the view of a case taken by one Committee, say in Birmingham, is not necessarily that which would be taken of it by another, say in London. An applicant either has his case conducted for him free of charge (except for a few pounds towards out-of-pocket expenses), or he has no assistance at all. It is a hit-or-miss system. If two men have a case which is good on the face of it, the one with an income of £4 per week may have his litigation free of charge, the other with an income of £4 1s. 6d. per week can only enforce his legal rights at his own expense throughout. However, an enormous improvement has recently been effected in this direction by a new dispensation of the Law Society whereby free legal assistance can be given to members of the services upon the merits of the particular case. There is no fixed income limit and it is within the discretion of the committee concerned whether to grant free aid or not.

5. Criminal Courts

Courts of Summary Jurisdiction

These courts, which go by the name of " Police Courts," " Magistrates' Courts," or " Petty Sessions," deal with nearly 90 per cent. of all indictable* offences committed in England and Wales. They are to be found in every community of any size (there

* Indictable offences are more serious than non-indictable or summary offences. Burglary is an indictable offence. Most blackout offences are non-indictable.

were over 1,000 before the war) and they touch almost every aspect of the lives of ordinary people.

Most of these Courts are presided over by unpaid lay magistrates, who usually rely for advice concerning matters of law on the clerk of the court. They are usually prominent local citizens, many of them being appointed on the recommendations of local political organisations. In London and some other large towns, however, there are stipendiary (i.e. paid) magistrates, who are barristers of not less than 15 years' standing. There are some who think that it would be better to abolish the unpaid lay magistrates and to substitute professionally-trained stipendiaries throughout the country. On the other hand, many people believe that lay magistrates are more closely in touch with the lives of the people than professional stipendiaries and local appointment provides useful democratic safeguards. It has been suggested that, if lay magistrates are retained, it is desirable to insist on certain standards of fitness, to introduce a retirement age and to set up courses of training for magistrates.

Courts of Summary Jurisdiction have power to try a very wide range of offences, but their powers of punishment are limited to six months' imprisonment. If an offence is punishable with more than three months' imprisonment, the accused is entitled to be tried by a jury (at Quarter Sessions or Assizes) and the Magistrates must tell the accused that he is entitled to choose whether to be tried summarily by them, or on indictment before a jury.

If he elects to be tried by jury he will be sent to Quarter Sessions or Assizes where he will be tried on "indictment." The "indictment" is a formal written statement of the charge made against the accused, and the trial which follows is on a more formal basis than in a police court. The principal advantages of being tried at Quarter Sessions or Assizes are :—

(i) The Court is presided over (at Assizes) by a High Court Judge or (at Quarter Sessions) a Chairman of Magistrates who is usually, though not always, a lawyer of considerable experience. In the case of Borough Quarter Sessions, the Court is held by a Recorder who is a practising Barrister ;

(ii) Though the jury system is far from perfect, a jury is generally considered to be a considerable safeguard to an innocent man and affords some protection against caprice or bias on the part of the Judge or Chairman.

A disadvantage of trial on indictment instead of summary trial, however, is that the punishment at Quarter Sessions or Assizes may be very much greater than can be given by the police court.

An appeal can be made from a Court of Summary Jurisdiction to the next Quarter Sessions in the County. The hearing of the appeal at Quarter Sessions is a complete re-trial of the case before the Appeal Committee of the County (which consists of County Magistrates) or in the case of a Borough, before the Recorder, without a jury.

Quarter Sessions

In every County in England and Wales Quarter Sessions are held, as their name indicates, four times a year. The Court consists of County Magistrates presided over by a chairman. Usually, though not always, the chairman is a trained lawyer, sometimes a High Court Judge or even a Lord of Appeal, sometimes a practising Barrister. Quarter Sessions are also held in certain Cities and Boroughs, and in these cases the Court consists not of Magistrates, but of a Recorder sitting alone. In large Cities, the Sessions are held more than four times a year. A Recorder must be a Barrister of not less than five years' standing. The Recorder receives a salary

which varies very greatly in different towns, for example in a small country town the Recorder may receive a salary of only some £40 per year, whereas in the larger cities his salary may be well over the thousand mark.

Quarter Sessions have very wide jurisdiction, being only debarred from trying some of the gravest offences, such as murder, rape, bigamy and some others, and they are also limited, to a slight extent, in the punishments they may give. For the very great majority of the work that comes before Quarter Sessions, however, their jurisdiction is to all practical intents and purposes much the same as that of Assizes. Appeal lies from Quarter Sessions to the Court of Criminal Appeal.

Assizes

Generally speaking, Assizes are held in the County Towns of each County in England. They are held three times a year, and in some cases four times a year. Assizes are nearly always presided over by a High Court Judge. They may try any offence and award any punishment allowed by law.

The Assizes have a long history which goes back to the time when the Kings of England themselves travelled round their kingdom and held Court. Partly for this reason, but perhaps more probably for the purpose of impressing the populace with the majesty of the law, great formality attends the holding and the opening of Assizes. Once the ceremony is over, the business of the Court proceeds in much the same way as at Quarter Sessions.

The Court of Criminal Appeal

A verdict of guilty and a sentence at Quarter Sessions or the Assizes are not necessarily the last word in a case. The Court of Criminal Appeal can hear appeals from any of these Courts. It consists of three judges who are appointed by the Lord Chief Justice from time to time to sit in the Court of Criminal Appeal on any occasion. But the Prosecution can never appeal against a verdict of "not guilty."

The House of Lords

In criminal cases which are certified by the Attorney General as involving a point of particular public importance, appeal may be made from the Court of Criminal Appeal to the House of Lords.

6. Criminal Trials

It is convenient at this stage to mention a few general points concerning criminal trials which may have been noted by anyone who has ever watched one in progress.

Judge and Jury

In the first place, the function of a jury is to determine questions of fact and that of the Judge to determine questions of law, though it is permissible for the Judge to tell the jury his view of evidence which has been given. It is improper for him to press his views upon them unduly, and any misdirection of the jury by the Judge is a ground for an appeal.

Evidence

Another point in connection with criminal trials, which may have struck the reader, is that no evidence whatever of any bad character of the accused person is allowed to be given (unless he has given evidence of his good character) until after he has been found guilty. For example, evidence cannot be given that the accused

has committed the kind of offence with which he is now charged many times before and is, therefore, the kind of person who is likely to have committed an offence. After the verdict, however, the police officer in charge of the case gives evidence of the accused's character and antecedents, in order to help the Court to decide what sentence to give him.

Plea of Guilty

The accused may, if he chooses, plead guilty, in which case it is not necessary for the prosecution to give any evidence at all because the accused admits the offence with which he is charged. All that is done, therefore, in such a case is for Prosecuting Counsel to give an outline of the facts to the Court and for the police officer in charge to give the accused's antecedents and record. It is perhaps worth mentioning that it is not unheard of for a court to convey to the accused man that he will be dealt with more leniently, if he pleads guilty and therefore saves all the time and trouble of swearing a jury and calling witnesses, who have to be examined and cross-examined at some length. Though it is, of course, irritating to all concerned that much time should be used up in contesting a case which is quite clear against an accused man, everyone is entitled to defend a case if he wishes to do so and it is grossly improper for the Court to suggest to an accused man that he will be dealt with more leniently, if he pleads guilty to the charge.

System of Bail

It should be noted that, as a consequence of the rule of law that every accused person is assumed to be innocent until he is proved guilty, a person accused of an offence is entitled to his liberty until he has been convicted and sentenced to imprisonment. The only lawful reason, therefore, for keeping a person in custody before he has been convicted is that, unless he is kept in custody, he is unlikely to turn up to his trial. To ensure that an accused person shall attend his trial, a system of bail exists, whereby a person who is required to attend the trial forfeits a sum of money, fixed by the court, if he does not attend at the time he is told to. The accused may also be made to get friends to act as sureties for him. It cannot be too strongly emphasised that the only lawful reason for a court to refuse bail to a prisoner is that he is likely not to turn up to his trial, or in common parlance, likely to " jump bail." Apart from this consideration, the general character of the accused is quite irrelevant as to whether he should be granted bail or not, and it is also irrelevant for the court to consider any suggestion by the police that, if allowed bail, the accused will commit further offences before the trial. If bail is refused an appeal may be made to a High Court Judge.

7. Legal Aid in Criminal Cases

Free legal aid to poor persons is controlled by the provisions of the Poor Prisoners Defence Act, 1930. Magistrates at Petty Sessions are required to grant a Legal Aid Certificate to any poor person where it appears to be in the interests of justice that he should have free legal aid, either by reason of the gravity of the charge or of other exceptional circumstances. This applies to all cases, whether they are to be finally disposed of by the Magistrates in the police court or are such as may be sent for trial by jury at Quarter Sessions or Assizes.

For cases committed to the higher courts, a Defence Certificate for legal aid is granted, either by the magistrate on committal, or by the judge or chairman of the court where the accused is to be tried. Such a Defence Certificate may be granted to a poor person committed on any charge, if, having regard to all the circumstances,

including the nature of any defence which may be set up, it is desirable in the interests of justice that he should have legal aid in the preparation and conduct of his defence and trial.

Under this system a poor person may obtain the services of a solicitor and counsel who are paid proper fees out of county funds. This is an enlightened and excellent provision of law, that the State, which is prosecuting a man for an alleged offence, should itself pay for his defence, though some consider that it is not entirely satisfactory in practice, because—in their view—the courts do not often enough grant Defence Certificates and do not always tell prisoners that they are entitled to put forward reasons why they should be granted.

8. Our Safeguards

Quite recently Hitler returned from the Russian front to announce in Germany that all laws and all administration of them would be completely determined by what he and the Nazi Party required. Law would be " what the Fuehrer decrees." That marks the distance travelled by Germany from a legal system which was once as meticulous and honest as any in the world. The scales held by Justice will be deliberately and irrevocably fixed against any offender cutting across Nazi policy. Such offenders will pass through a legal process in which the judge will be dependent on party favour ; the assumption will be of guilt until innocence is proved ; there need be no jury ; there will be no free press or public scrutiny of the decisions ; there is no guarantee of the right to appeal.

In contrast are the characteristics of English law which guarantee our civil liberties, and distinguish our legal system from the systems established by autocratic regimes. These are :—

1. **Rule of Law.**—The Courts are bound to apply the law exactly as it stands and not some version of it, twisted to suit temporary political or other convenience. In other words, expediency must give way to the law. When it is necessary to change the law, Parliament is omnipotent to do so.

2. **An Independent Judiciary.**—Our judges cannot be removed, however embarrassing to the authorities their decisions may be. All judges are independent of the Government and can only be removed, by a Resolution of both Houses of Parliament, for gross misconduct.

3. **Trial by Jury.**—This is the right which a citizen has to be tried by his own fellow citizens—men and women taken from his own town or locality or, if he thinks they may be prejudiced against him, from elsewhere ; who cannot be named in the newspaper or got at during the trial.

4. **Habeas Corpus.**—This is the right of a citizen not to be held in custody without being speedily brought to trial on a definite charge, though its effect is necessarily partly reduced in war-time to enable the Government to intern people who, if at large, are acutely dangerous to the community (such as spies and fascists) without the delay and difficulties of legal proceedings. The writ of Habeas Corpus, which is issued by the Divisional Court, directs anyone who is keeping another in custody to deliver up the latter to the Court. Thus it is used where anyone is illegally imprisoned, in which case the writ is directed to the Governor of the Prison. In other words—no concentration camps.

5. **All Trials and all Civil Cases are open to the Public.**—Only where vitally secret information would be divulged can a case be heard behind locked

doors. To be present at any type of case is a valuable education in citizenship.

6. **Confessions.**—You cannot be convicted on your own confession unless the prosecution can affirmatively prove that your confession was free and voluntary. This is a precaution against third degree methods during arrest.

7. **Evidence as to Character.**—This is the rule that every man is tried with a clean sheet. No evidence as to his previous character—no secret dossier on his activities—can be put in until after his trial.

9. Possible Improvements

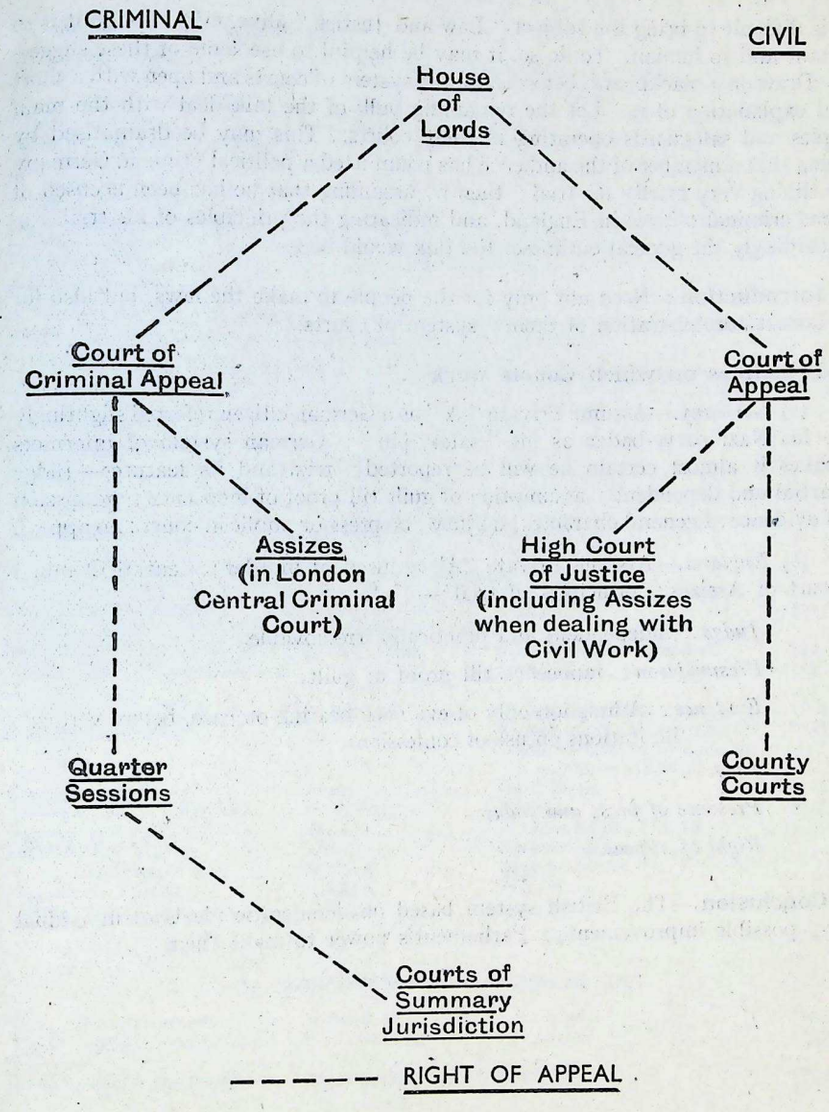
There is an obvious necessity for honest and impartial justice in any country claiming to be democratic. On this record, we can claim that our system measures up to that requirement. That is not a claim of perfection. As we have seen, there may be room for improvement in making the cost of both criminal and civil actions less of a deterrent and handicap. The schemes of free legal help and advice may be improved. There is dispute over the merits of the magistrates in the Courts of Summary Jurisdiction—whether the value of their free service and their closeness to the lives of the people is not outweighed by their lack of professional training and the possibility of social prejudice. It may be argued that the formality and ceremony of Court are too intimidating. Already enormous improvements have been effected in the new children's courts, which must be held in an ordinary room and where no person in uniform is allowed to be present, and there are some who want these changes extended.

And so on. About these arguments for improvement two things may be noted. First, they do not seriously question the general honesty and impartiality of our system of justice, based on such safeguards as are mentioned above.

Secondly, the power to achieve any improvements is at hand. Parliament can and will make them, if we want them and work for them hard enough.

NOTE.—This Chapter has outlined the *English* legal system. The Scottish system is different in many ways, although generally the same principles are observed. Reference should be made to an encyclopædia, to some standard work, such as Gloag and Henderson's "Introduction to the Law of Scotland," or to a useful chapter in "The Scots Book" by R. M. Douglas, published by Chambers at 6/-.

English System of Courts



NOTE.—The right of appeal is not always absolute; in some cases, leave has to be obtained. Also there is, though not shown in the diagram, a kind of appeal called "case stated," whereby a Court of Summary Jurisdiction or Quarter Sessions can put questions of law to a "Divisional Court" of the High Court. The Divisional Court then sends the answers back to the inferior Court with, in a criminal case, a direction to convict or acquit. In a criminal case, the decision of the Divisional Court is final, but in a civil matter (which in practice usually means something like a rating or licensing appeal), either party can appeal to the Court of Appeal and, with leave, the House of Lords.

Some Notes for Instructors

It is difficult to bring the subject " Law and Justice " alive, even though it is so important and so human. To do so, it may be helpful to use some of these suggestions. Draw on a blackboard, beforehand, the system of courts and open with a short general explanation of it. Let the remaining bulk of the talk deal with the main principles and safeguards operating in these courts. This may be dramatised by assuming that a member of the audience has committed a political crime in Germany and outlining very briefly his trial ; then by assuming that he has been accused of a serious criminal offence in England, and indicating the principles of his trial.

Accordingly the general outline of the talk would be :—

1. **Introduction :** Need not only for the people to make the laws, but also for honest administration of them : system of courts.

2. **Principles on which Courts work**

(*a*) *Germany.*—Assume Private " A " as a German citizen referred slightingly to his Nazi party-badge as his " safety-pin " : German system of informers makes it almost certain he will be reported ; trial and its features—Judge partial and dependent ; assumption of guilt till proof of innocence ; admission of evidence of general character ; no jury ; no press or public in court ; no appeal.

(*b*) *England.*—Assume Private "A" accused of murder ; Central Criminal Court or Assizes ; principles of trial :—

Judge : independent and practically irremovable.

Presumption : innocence till proof of guilt.

Evidence : Admission only of evidence bearing on case, before verdict ; limitations on use of confessions.

Jury.

Presence of press and public.

Right of appeal.

3. **Conclusion.**—The British system based on democratic ideals of individual liberty ; possible improvements ; Parliament's power to make them.

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Oxford Pamphlets	Oxford University Press	4d.
Pamphlets on the Commonwealth	Longmans	6d.
Penguin Specials	... ...	9d.
The Democratic Order	Kegan Paul	1/-
British Life and Thought	Longmans	1/-
Nelson Discussion Books... ...	Nelson	2/6
Current Problems	Cambridge University Press	3/6
The World To-day	Oxford University Press	3/6
Britain in Pictures	Collins	4/6

In addition Oxford University Press is planning to issue shortly a series of pamphlets on Home Affairs, similar to the present Oxford Pamphlets on World Affairs.

The following selection lists a few short, cheap and recent books and pamphlets for each chapter of the first two booklets.

FIRST BOOKLET

I. WHAT IS AT STAKE

Conditions in Occupied Territories	Report No. 2—Rationing	H.M.S.O.	1942	2d.
Why Britain Fights	R. H. Tawney	Macmillan War Pamphlets	1940	3d.
Third Molotov Note on German Atrocities		H.M.S.O.	1942	3d.
Germany's New Order	D. Wilson	Oxford Pamphlets	1941	4d.
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Democracy Marches	Julian Huxley	Chatto and Windus	1941	3/6
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British Education	J. E. Hales	Longmans	1940	1/-
Bias and Education for Democracy	M. Stewart	Oxford University Press	1938	1/-
The Future in Education	Sir Richard Livingstone	Cambridge University Press	1941	3/6

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IV. THE INFORMATION SERVICES IN BRITAIN

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