“And when I am king...”

The edifying spectacle of the recent Canadian election (and this probably applies as well to its predecessors in Britain and Australia) calls to mind the memorable words of the iconoclastic, levelling rebel, man-of-the-hour, and saviour-of-the-people in Shakespeare’s Henry VI, Jack Cade, as he arouses a credulous crowd to revolutionary fervour:

There shall be in England seven half-penny loaves sold for a penny; the three-hoop’d pot shall have ten hoops; and I will make it a felony to drink small beer. All the realm shall be in common, and in Cheapside shall my palfrey go to grass. And when I am king, as king I will be [the people, on cue, shout, “God save your Majesty!”] ... there shall be no money; all shall eat and drink on my score, and I will apparel them all in one livery, that they may agree like brothers, and worship me their lord.

His plea for the transfer of centralized power conjures up the pretensions not only of later dictators (Napoleon and Stalin, for example, claiming somehow to be preferable to Louis XVI and the Tsar, respectively), but those of politicians in general, who seem to operate on the assumption that monopoly of power is part of the natural order.

The bargain that Cade proposes is an interesting one (from his point of view): “Support me, Jack Cade, people’s party candidate, and I’ll do something [unspecified, as usual] about the cost of living — perhaps even make your money worthless; moreover, I’ll correct inequalities in ownership [by abolishing property, except for myself]; and I’ll make sure everybody has a job — even provide uniforms so you’ll all be alike. Now, all you have to do in order to receive these wonderful benefits is get yourselves together into an irresponsible mob and vote for me. Give me power, and I’ll build you a little Utopia right here on Thameside.”

One can scarce forbear labouring the point — the reminiscence of current political “promiseering” is too blatant. The fourteen-carat gilt apple held out by aspirants for political office is always the same: some illusory or ephemeral material benefit supposed to accrue from the robbery of another (smaller) segment of the population, and depending upon the kind of envy that ostensibly legitimizes confiscation. The price too is the same: “make me a king among you; give me your power, and I will destroy the powerful”. And who is to curtail the power of the new overlord? The fresh-fangled lackeys in pink crepe livery dependent from his golden puppet-strings?

The surrender of personal autonomy is the price we pay for politicians’ promises; the benefits are a bladder of wind. Moreover, those who crave power have no illusions about the “noble human value” of those whose favour they so obsequiously curry; they rely upon the mindlessness and will-lessness of man in the “mass”. As Jack Cade observes: “Was ever feather so lightly blown to and fro as this multitude?” Verbum sat.
Our Policy

SEED aspires to fulfill a unique role transcending the functions of other magazines and journals. Our purpose is neither to propagandize in the sense of promoting some fixed point of view or body of thought nor merely to comment on current events. Our partnership does not extend beyond two considerations. Firstly, we believe that reality does exist; it is not a matter of opinion and will assert its authority over all opinions that contradict it. All sanctions reside in reality; opinion has none. Secondly, we believe in the desirability of extending human freedom. Genuine freedom is contingent upon our comprehension of reality, since to the extent that men disregard reality, they court personal and social disaster.

In other words, far from conforming to the modern view that value judgments are to be avoided, SEED will intentionally consist of a succession of value judgments, which will constitute the principal criterion of its success. Man cannot approach truth without rigorous formation of value judgments and perfecting of definitions. Discovery and refinement of the correct principles for human action and association will be the focus of our attention within the field of reality. If we carry our investigation of the nature of reality far enough, we shall illuminate the way to the formulation of sound policy.

We have no delusions about the facility of the course on which we are embarking. It is possibly the most difficult course open to us. However, its value should be proportional to the efforts it requires. If the distractions to intelligence and which characterize contemporary society are, as we believe them to be, fundamentally unsatisfying, we are confident that some seekers of truth will involve themselves in the experiment that SEED represents. Such persons are the only ones capable of responding to such an experiment.

We approach our undertaking in the spirit of making an offering that will call forth latent creative capacities. If the ideas that SEED disseminates have validity and settle in good soil, they will grow. Moreover, their growth will be progressive and cumulative. SEED will serve as a medium permitting the cross-fertilization of adventurous intellects, thereby diminishing the effects of the entropic phenomenon that paralyses development by compelling men to struggle to find truths that they have lost sight of and had to rediscover repeatedly during the past.

If our project is conducted correctly, it will at the least generate a new conceptual vigour among a segment of the community—and perhaps even result in the formation of new men.

≈ ≈ ≈

Humour

Since all artistic expression reflects the philosophy of the artist, such expression is a valuable indicator of the attitudes and mores characteristic of a society. In this regard, nothing is more revealing than the manifestations of humour.

One may confidently assume that a society without humour is enthralled by some form of monomania, and the same consideration generally applies in the case of the humourless individual. To exclude humour from our lives is to exclude proportion. Humour is a restorative of sanity, an equilibrator of unbalanced perspectives. It prevents us from taking ourselves more seriously than our condition warrants. God knows, we are engaged in enough folly; yet lack of a sense of the humorous potential in our activities obscures this fact. We cannot rectify what we cannot see. Humour enables men to comprehend, and hence correct, their foolishness—or (if circumstances preclude immediate correction) at least to treat their persistence in an idiotic game with appropriate levity. An uproarious laugh at ourselves is spiritually refreshing.

Unfortunately, much humour falls wide of the mark and becomes dreary stuff, indeed. Undoubtedly, the world has always been well stocked with panders prepared to pervert the purpose of humour: in our culture, they lurk behind every pillar and post. Great humourists are the bane of persons rendered uncomfortable by self-examination, and humour in the hands of the venal and self-righteous loses its essential virtue. It reinforces, rather than challenges, our prejudices; constricts, rather than expands, the scope of our view. It replaces the insight of the individual by the conditioned reflex of the mob. The members of the audience are induced to look down on the characters of the piece, instead of into themselves.

No longer a tonic to the personality, such humour is a spiritual contaminant incompatible with the great-heartedness and graciousness which accompany the other sort.

≈ ≈ ≈

Words are the daughters of earth, and ... things are the sons of heaven.

—Dr. Samuel Johnson
The Sphere of Authority

A popularly-held opinion today is that the counting of heads in "elections" or in the votes of legislative bodies can tell us something about the nature of reality. The implication of this belief is that a majority vote, or "public opinion", has authority, is an ultimate determinant of rectitude—a situation leading to what has been described as the "tyranny of the majority". In fact, "democratic elections" are not manifestations of Authority, but of Force. Implicit in our legal tradition, however, is the idea that there is a locus of authority—natural or eternal law—prior and superior to the decrees of Kings and Parliaments, that this Authority is autonomous and ineffable, and that in a recognition of it lie the only realistic sanctions that the individual has against political tyranny.

Most of us will recall—perhaps with a shudder—having encountered the rudiments of a theory of constitutional government at some period in our school careers. At that time, we were probably informed of the tripartite structure of that government, its separation into legislature, executive, and judiciary. While we may dimly recall that this distinction of functions was designed to ensure a "balance of powers", we probably have only a foggy recollection of what this implies. It is doubtful that we were introduced to the terms Policy, Administration, and Sanctions—which define, roughly, the respective roles of legislature, executive, and judiciary. Theoretically, policy expressed in the legislature (generally by means of granting "supply") is administered by the executive, within the limits of "law", maintained by the judiciary.

Significantly, this balance—implied by the restraint of the authority of "law" upon legislative excess or executive fiat—is scarcely even a convincing myth of present-day government. The reason for this, as we shall see, is that the autonomy of the sphere of authority and its sanctions—"law"—has disappeared. Lord Hewart, in his study The New Despotism, has described a condition which he calls "administrative lawlessness"—government by executive "proclamation". What he deplores is what has been called elsewhere "the passing of Parliament", the usurpation by the administration of the policy-setting function of an elected (and ostensibly responsible) body of representatives. This, he correctly observes, undermines the "responsibility" of government.

However, "administrative lawlessness" is merely a further development of the degeneration of the tripartite constitution of "government", preceded by the phenomenon popularly known as the "Supremacy of Parliament". Fostered upon the notion that a democratic election can establish "laws", the myth of the "Supremacy of Parliament" has resulted in "legislatures" abandoning their policy-determining function, and becoming the focus of a tawdry imitation of Authority. Recognizing no genuine Authority, or sanctions, "parliaments" have attempted to establish Authority based upon "power" (a Machiavellian idea) with Force as the only sanction (ditto). Add to this "administrative lawlessness", and you get the situation which we have today: the executive determining policy expressed in fiat (or, works orders) ratified by legislatures as "laws" and foisted upon the disenfranchised laity. The autonomous sphere of constitutional Authority is assimilated by the very "Power" which it ought to limit.

Eternal Law and Temporal Power

Such has not always been the case, as even a cursory examination of our legal tradition reveals. Implicit in the Common Law, for example, is the concept of "eternal law"—of an order of reality prior to any human "laws" or statutes. St. Thomas Aquinas observes that "...the very Idea of the government of things in God the Ruler of the universe has the nature of a law".

Elaborating, the sixteenth-century jurist Christopher St. German, in his Dialogue Between a Doctor of Divinity and a Student in the Law of England (1604), writes:

"Therefore, as the reason of the wisdom of God (inasmuch as creatures be created by him) is the reason and fore-/sight of all crafts and works that have been or shall be, so the reason of the wisdom of God moving all things by wisdom to a good end, obtaineth the name and reason of a law, and that is called the law eternal (fol. 25r-35r).

The assumption of an autonomous Law—moral and natural—inhaling in the sum and substance of reality is similarly evident in the legal commentaries of Sir John Fortescue and Sir Edward Coke. As Richard O'Sullivan explains, Fortescue, a central figure in the develop-
ment of English jurisprudence, "expressly teaches that the Law of Nature...is the ground of all law". Nor is this coincidence of theological and jurisprudential concepts fortuitous: St. Germain points out that "the Law is derived of ligare, that is to say, to bind"; "religion" is derived from "religare", to bind back, or to bind together. Each is concerned with a reintegration with reality, or "the Eternal Law".

This point is crucial: there is an authority outside temporal legislation, prior to the votes of parliaments, and not subject to the dispensations of those in "power". That is, Authority cannot be "distributed" by executive proclamation or by popular election. And the expression of this Authority is "Law", the violation of which carries with it susceptibility to sanctions whose operation is automatic and inevitable. It is this authority and these sanctions which the Common Law has traditionally sought to incarnate. That is, "Law" has nothing to do with the vagaries of parliaments—except insofar as it is a sanction against them.

Both Aquinas and St. Germain point out that there are three kinds of law besides Eternal Law, namely, the Law of Nature (known by the light of reason), the Law of God (revealed, for example, in Scripture), and the Law of Man (the determinations of princes or governments). What is important, however, is that each of these laws is invalid unless it reflects the Eternal Law, as St. Germain declares:

"...and therefore against this law, prescription, statute, nor custom, may not prevail, and if any be brought in against it, they be not prescriptions, statutes, nor customs, but things void as against Justice..." (Fol. 47).

This implies that men owe an allegiance to an eternal law prior to any allegiance to human laws. Moreover, it implies, as Henry Bracton asserted, that "the King is under God and the law" (O'Sullivan, 28). According to this principle, royal prerogative is strictly limited; in fact, as O'Sullivan states, the "King" himself maintains his inheritance only by virtue of the Law—a question to which we shall return presently. Suffice it for the moment to observe that present-day "administrative lawlessness", unlike medieval British monarchy, observes no autonomous law, and therefore no restraint on its prerogative (except the restraint of Force, manifested in such phenomena as "public opinion" and Molotov cocktails).

The assertion of a sphere of Authority outside the jurisdiction of the State has profound implications for the individual personality. When Christ uttered the dictum, "Render unto Caesar the things that are Caesar's, and unto God the things that are God's", He made a distinction of fundamental political importance. In terms of jurisprudence, the things that pertain to God are those things comprehended by the Eternal Law. They are of higher authority (the only authority) than any temporal claims made by the State. Thus, as O'Sullivan asserts, "A duty towards a superior power [God] necessarily confers rights against an inferior power [the State, or 'Caesar']" (35). The postulation of a sphere of genuine Authority maintains the rights of the individual against the supposititious claims to authority of temporal "power"; it establishes the spiritual autonomy of the person against any claims of state absolutism.

Thus, far from "religion" (binding back to reality, or Eternal Law) being (as Marxists and others maintain) an instrument for the subjugation of the individual, it is in fact the guarantor of his rights. The postulation of an objective law of moral and natural rectitude constitutes not only a sanction against the claims of temporal power, but a philosophical basis for the intellectual and moral autonomy of the individual. The postulation of a Law not subject to interpretation for the individual by the State places a burden of responsibility on the individual himself to establish a relationship to that Law. Corresponding to this responsibility (individual liability to the sanctions of the law) is individual freedom (implied in the rights conferred upon the individual by the Law against political coercion). Individual freedom and responsibility are, O'Sullivan says, assumptions of the Common Law. It will be noted that "Freedom" implies temporary power to violate the Law, but not to escape its sanctions. "Perfect freedom" is perfect conformability to the Eternal Law, and thus is the antithesis of "licence".

The Divine Right of Parliament

In the Common Law, therefore, we can discover a genuine and conscious attempt to maintain (in temporal organization) the sphere of Authority as a restraint upon the centralization of power. And, as O'Sullivan notes, the principle that the Natural Law is "the source and spring of the Common Law" held until "late in the 17th century". However, post-Reformation English his-
tory is a chronicle of the steady erosion of the autonomy of the sphere of Authority in British statecraft, and the restless extension of the sphere of Power to the point, virtually, of monopoly.

The story of this process of the destruction of the "temporal" institutions of Authority has been set down elsewhere; I shall only mention some of the "high" points. O'Sullivan points out that Thomas Cromwell, Henry VIII's Vicar-General, drew his political philosophy from Machiavelli and Marsilio of Padua, who asserted "the complete independence and omnicompetence of the secular State"; C.H. Douglas has suggested the implications of Henry's arrogation to himself of both political power and spiritual authority—securing monolithic absolutism. (In this regard, it is curious that contemporary "liberals", who are so affected by the story of Sir Thomas More, are the most vocal advocates of the "Divine Right of Parliament".) Thomas Smith in the sixteenth century claimed that "the most high and absolute power in the realm of England consisteth in Parliament"; Thomas Hobbes, in the seventeenth, maintained that "law" is "the command of a sovereign, which, though it may be inequitable, cannot be unjust" (O'Sullivan, 54). In 1917, Lord Sumner declared in the Supreme Tribunal of the House of Lords that "the phrase 'Christianity [the Eternal Law] is part of the law of England' is not really law: it is rhetoric" (O'Sullivan, 57)—rendering the "sphere of Authority" nothing but "hot air". More recently, Harold Laski has pontificated: "The core of the British Constitution is the supremacy of Parliament" (Douglas, 7). And then, of course, we have Lord Hewart and Professor Eecott.

Thus, in the development of the notion of the supremacy of Parliament, we can observe, as O'Sullivan notes, a two-fold process. The first of these was "the result of the Reformation", "the abolition of the dual control of Church and State, the transference to the State of complete control over the Church, and the substitution for the Canon Law of the King's Ecclesiastical Law". This gives rise to the idea of the divine right of Kings—the doctrine that "what pleased the Prince has the force of law". As Fortescue points out, however, this dictum, while proper to the Civil Law, is inimical to the Common Law:

...the king of England is not able to change the laws of his kingdom at pleasure, for he rules his people with a government not only regal but also political. If he were to preside over them with a power entirely regal, he would be able to change the laws of his realm, and also impose on them tallages and other burdens without consulting them.... But the case is far otherwise with the king ruling his people politically....

In other words, against Bracton's assertion that the king is under the law, the divine right theory postulates that the king is the law, and that there is no sanction against the operation of the monarch's will. The sphere of authority is assimilated by temporal "power".

The second stage in this process was not a re-assertion of the autonomy of the sphere of authority, but a change in the locus of temporal power. As Holdsworth says, "The result of the Revolution was the transference of control over the executive from the [Royal] Prerogative to Parliament through the growth of the Cabinet system". Note that the question posed by the Revolution was not one of renewed institutional recognition of the autonomy of the sphere of authority; rather, it was one of who is to wield temporal power. Thus, as O'Sullivan observes, the divine right of Kings yielded place to the divine right of Parliament.

It will be recalled that, under the Common Law (which recognizes the sphere of authority), the individual was regarded as free and responsible, or spiritually autonomous vis-à-vis the state. His first allegiance is to the Eternal Law, an allegiance which implies rights and duties superior to any claims made upon him by temporal powers. In other words, as we have noticed, the postulation of a sphere of authority autonomous from political force implies a relationship of the individual to that authority which in turn implies rights prior to any privileges the state may allow.

Conversely, the denial of a sphere of authority prior to and superior to political institutions implies the dependence of the individual not upon the "Eternal Law", but upon the decrees of governments (whether those of kings or assemblies is largely immaterial). The state now interprets "law" for the individual; it has arrogated to itself the prerogative of the individual under the Common Law—personal freedom and responsibility. Where "law" is defined in terms of royal or executive decree, the individual has no sanctions except those granted by the temporal power. His relationship is no longer to autonomous Authority, but to
"authority" as it is determined by, say, a tyrant's whim or an uninstructed or coerced "majority vote". The "rights" of the individual, which in Common Law are prior to the enactments of legislatures, are now determined by those enactments. The individual, no longer dependent upon "God", or upon a "law of rightness" which implies his freedom from state coercion, is now dependent upon the very state that coerces him. Rather than having "rights" which imply his moral autonomy and responsibility, he is granted "privileges" in return for his acquiescence in the regulation of his life by the state.

O'Sullivan describes the process in the following terms:

The movement of the latter time has been to substitute for the old Common Law conception of the "free and lawful man" a new conception—taken from the German model—of the "insured person". The insured person is by definition a dependent creature, of impaired responsibility, and severely free. It is a sign of his condition that in an increasing number of instances, proceedings may be brought in his name, without his consent, and even against his will, by a subordinate official of one government department or another.... The long travail of omnipotence is at an end: its offspring is the dependent citizen (60).

The picture which this presents is that of the citizen having relinquished his spiritual autonomy for the "security" promised by that self-proclaimed "lord and giver of life", the omnipotent state. And, against this condition, the individual has no institutionally-recognized autonomous sanctions.

The Sanctions of Authority

However, the fact that human institutional arrangements do not recognize the sphere of authority does not render that authority inoperative. That is, if "Eternal Law" is in fact a characteristic of objective reality, it must carry with it automatic, natural sanctions. Thus, for Fortescue, "the rules of natural law operate proprio vigore and carry a natural sanction" (O'Sullivan, 26). If this is indeed the case, then any temporal polity which does not take into account the operation of natural sanctions is damming itself to destruction.

Fortescue quotes Boethius as having said, "There is no power unless for good", and comments: "so that to be able to do evil, as the king reigning regally can more freely do than the king ruling his people politi

(continued p. 8)
and categories upon social functions. These categories serve a dual purpose: they build into the social system rigidities to keep 'inferiors' in their place, while furnishing a scale against which men can measure their 'worth' in comparison with that of their fellows. (The objection may be raised that hierarchical structures are necessary for the efficient carrying out of policy. Of course, this is true. However, the monolithic power structure being assembled in our society can hardly be explained as a mere response to the need for efficiency. The perverse pleasure—rooted in Pride—of controlling other people has more to do with it than anything else.)

If the dynamics of Pride were better understood in our society, there would be an active concern about the phenomenon itself. Unfortunately, those worst afflicted by Pride are least able to detect the manner in which it possesses them. Because its essence involves the setting of one man against another, Pride excludes the possibility of social harmony. Pride is not satisfied by merely having things: its victim must have more than other persons so that he can draw a line demarcating superiority between himself and them. The slave of Pride is engaged in ceaseless competition with his fellow men, because the process of wanting more than they have has no end. Even with a sufficiency of everything for his needs, he cannot be content.

Pride insinuates itself into our activities in a multitude of ways, but always its tendency is to draw one away from the truly substantial things in life and toward the shadows. The man who feels superior to his colleague because the latter has accumulated fewer professional kudos, the man who bask in the reflected glory of prominent persons of his acquaintance, the man who delights in knowing the latest gossip or having a newer desk than his fellow employees—all such are quite literally 'insane' ('lacking health or wholesomeness'). That Pride makes men strong or difficult to buy is simply a false myth. The prideful are bought by the most negligible and illusory things in the world.

Thus, the desire—fuelled by Pride—of many persons to cordon off and cling to petty kingdoms of privilege or power does much to preserve overblown and artificial hierarchies in society: it is a paralyzing element in the structure that prevents men from laughing at its inanities and correcting its injustices.

R.E.K.
("Authority", continued from p. 6)

The point here is the definition of "Power", which Boethius states is incompatible with evil. This implies that any temporal "power" which attempts to ignore Authority ("righteous") is undermining its own foundations, and is more correctly described as "force". "Power" which ignores the laws of its own nature can only render itself powerless.

Perhaps this is the principle underlying Henry of Bracton's dictum that "The King is under no man but under God and the law, since the law makes the King.... And there is no King when will and not Law is the principle of his rule" (O'Sullivan, Inheritance, 97). That is to say, temporal power which violates Law (the sphere of Authority) is destroying itself; the sanctions of Authority will assert themselves against this perversion of the "Law".

The same which is true of the prerogative of Kings is true of the prerogative of Parliament, which, as O'Sullivan notes, is not based upon a correct relationship to Authority, but upon "a nice calculation of force" (Inheritance, 88). Any jurisprudence which bases itself upon "force", rather than "authority", is doomed to destruction. "Law" regarded as the expression of momentary expediency or might, and exercised in the name of "power" is in fact the antithesis of genuine power. It degenerates to tyranny, which—inssofar as it contradicts another principle of natural law, the spiritual autonomy of the individual—is ultimately antithetical to genuine power, Fortescue observes:

"Freedom is a thing with which the nature of man has been endowed by God. For this reason if it be taken away from man it strives of its own energy always to return (104).

If this is in fact true, it suggests two fundamental principles: (1) freedom, as an aspect of natural law, is a sanction which will ultimately express itself against any attempt to institutionalize despotism; (2) any institutional arrangements that man makes must be made with regard to the guarantor of freedom and ultimate sanction against political tyranny, the sphere of Authority. That which violates the Law cannot continue to be.

3 O'Sullivan, 24: "John of Salisbury in his Polycraton affirmed the existence and operation of a system of natural law and declared that human law must not be at variance with it, that if human law contradicted the natural law, it is invalid and should not be enforced".

D.R.K.

Is it not clear that vast numbers of people today are quite content to regard themselves as cogs in the social machine, to look to governments who manipulate the machine as the proper authorities to regulate their whole lives, to let decision after decision go by default, because in their circle, or their trade union, or their nation, a majority, whether real or faked, is on the other side?—Tudor Jones