

Chapter VII

THE search for justice was not confined to Platonists only. Since the days of Socrates numbers of men have resumed the work begun by him; although there is no record that his work was understood, there are many books which show how other seers arrived at the same result: that justice is of divine origin, an institution essential in the scheme of creation, and indispensable to man's enjoyment of the Creator's bounty. No matter at what time or in what circumstances wise men have taken thought of the question, they have arrived at the same conclusion: that the Creator intended man to be happy. The anachronism of involuntary poverty in a world containing the complete source of man's material needs has seemed so utterly at variance with the idea of a bountiful Creator, that great thinkers in all ages have been not only deeply perplexed at the incongruity, but urged ever and again to try to find the reason for it. Nothing so undermines man's faith in God as poverty. The misery and pain it breeds kill the spirit, and acceptance of it has done more to beget atheism than all the frankly materialistic works of nineteenth-century scientists.

Idle men in towns containing slums, vacant plots, and condemned buildings denote a condition which can only be accounted for by the gross economic ignorance of all classes. Hungry men in a world of plenty, jobless men in half-tilled countries, are blots on the social system which are without economic excuse and cannot be explained away by casuists. The churches give no reasons for these anomalies; the state

is not asked to give reasons. The former hold to the Christian attitude of acceptance and faith in another world; the state, when conditions are dangerous, gives a dole, not willing to trust in the notion of Christian patience and faith in the abundance of another world. Yet Christian Fathers and medieval prelates have left scores of volumes showing their concern in this question of justice and how vital its understanding was to the mission of the Church. From Lactantius to St. Anselm, from Erigena to Joseph Butler, great churchmen and philosophers have in innumerable volumes discussed this question of what justice really is.

Lactantius, who gave the clearest definition of religion, i.e. that which seeks to bind man to an invisible God, says that, when man ceases to be a dumb animal, he "begins to live in conformity with the will of God, that is, to follow justice." And this is in accord with the statement of Aristotle in *De Mundo*:

God, then, as the old story has it, holding the beginning and the end and the middle of all things that exist, proceeding by a straight path in the course of nature, brings them to accomplishment; and with him ever follows justice, the avenger of all that falls short of the Divine Law—justice, in whom may he that is to be happy be from the first a blessed and happy partaker.

In St. Anselm's *Dialogue on Truth*, there is an analysis of the terms justice and truth which is so thorough that the Disciple, convinced by the Master's exposition, admits he has "made the definition of justice clear even for children."

MASTER. Therefore that will is to be called just which preserves its rightness because of rightness itself.

DISCIPLE. Either that, or no will is just.

MASTER. Justice is therefore rightness of the will preserved because of itself.

DISCIPLE. That is the definition of justice which I sought.

MASTER. Nevertheless, consider whether perchance something should be corrected in it.

DISCIPLE. I see nothing in it to be corrected.

MASTER. Nor I. For there is no justice which is not rightness, nor is any other rightness than that of the will called justice because of itself. For rightness of action is called justice, but only if the action is done with a just will.

Another definition, quoted by Aquinas in his *Disputed Questions*, is: "Justice is a constant and perpetual will to yield to each one his right." For five hundred years, from Erigena to Ockham, a great controversy raged over definitions of the terms: truth and justice. All through the so-called Dark Ages, philosophers, scientists, and mathematicians, some of them saints, most of them prelates, disputed these grave questions. Nearly every avenue of learning was explored. Such men as Roger Bacon, Albert the Great, Grosseteste, and Duns Scotus took part in that age of Enlightenment in the essential work of finding clear definitions of key-words.

After the Stuart revolution, the whole question was raised by Richard Hooker. He stated the case for natural law, and claimed for human reason the province of determining the laws of divine order. But the result of his labours, *Ecclesiastical Polity*, made little or no impression on Protestant England of his time. Probably he was thought to be medieval and not progressive. If ever there was a case of a man ignored by his contemporaries because he restated the broad principles underlying government in any shape or form or at any time, it was his. But the good was not interred with his bones, for his books survived the revolution and lived to influence those who modified the English Constitution and liberalized the law. Those who have studied three such different authorities

on natural law as Locke, Butler, and Paine will find in Hooker the sources of their works. "Human laws," Hooker says, "are measures in respect of men whose actions they must direct, howbeit such measures they are as have also their higher rules to be measured by, which rules are two—the law of God and the law of nature, so that laws human must be made according to the general laws of nature, and without contradiction to any positive law of Scripture, otherwise they are ill made." Hooker knew, as Roger Bacon did long years ago, that the prime difficulty of making any positive advance in knowledge of the evils which afflict society lies in false definition of terms. He says: "The mixture of those things by speech which are by nature divided is the mother of all error."

Locke's essay, *Concerning the True Original Extent and End of Civil Government*, was inspired by Hooker. Sir Frederick Pollock said it is "probably the most important contribution ever made to English constitutional law by an author who was not a lawyer by profession." That principles do not alter, no matter how complex a civilization may become, nor, indeed, how privilege may overgrow all vestige of right, is clearly shown by Locke. This very ancient Englishman threw down the challenge to Hobbes and routed his theory of absolutism and the divine right of kings. He re-asserted Hooker's fundamentals and carried them successfully straight to the door of Parliament:

The supreme power cannot take from any man any part of his property without his own consent. For the preservation of property (that property which men have in their persons as well as goods) being the end of government, and that for which men enter into society, it necessarily supposes and requires that the people should have property, without which they must be supposed to lose that

by entering into society which was the end for which they entered into it; too gross an absurdity for any man to own.

It is almost useless to attempt a criticism of Locke's essay from the standpoint of positive law, and, indeed, there is no sense in it. Why it is done by some modern philosophers cannot be explained. If every man is born with a double right not good in law, the fact remains that the right exists though positive law prohibits the exercise of it, and even though government have all the consent of the governed to the end that all natural rights are void, the statute would be a mere political declaration, having no more force than a resolution of a society of atheists to the effect that there is no God. Slaves were deprived of the exercise of their rights, but their rights were there all the same, and every ameliorative measure, every attempt at manumission, signalizes the fact that those rulers and owners who desired less control of their slaves recognized the validity and permanence of a man's right to his person and the ownership of his products. Neither state nor citizen can deprive men of their rights; all it can do is to deprive a man of the exercise of his rights. Anyway, there is no record of a state by common consent taking away the exercise of men's rights. Common consent does not mean the mere majority of the selected citizens within the domain called a state, which is itself the denial of the exercise of free natural rights. A frontier is a limitation of the exercise of natural rights, for both the so-called politically free citizen within it, and for him, also, who is beyond it. All the restrictions of nationalism, such as tariffs, passports, poll taxes, trade unions, special oaths, and what not, are limitations of the exercise of rights. And it is only the singular obtuseness of nationally educated creatures to persist in imagining that these are necessary re-

strictions for the good of trade, transport, behaviour, and communication. How decent folk can worship God and support laws which deny his bounty and his trust in his creatures, is one of the preposterous conundrums posited by civilization. The desire for law and order is no answer to it, because the history of law reveals little diminution in crime, though punishments are less severe, and there is not a state of any importance in the world in which the need of order was ever so great as now. Whether it be trade and finance, capital and labour, landlords and tenants, police and crime, no matter in which direction a glance is taken, disorder is the order of the day. And every state, apart from militarism and political faction, is now concerned chiefly in fiscal restrictions which, while aimed at crippling a neighbour's commerce, rebound and end in crippling its own. Practical statesmen can at the same time worship God and deny his law and order. And though many have been proud of their knowledge of Scripture, they still persist in thinking God is in need of collaborators when it comes to practice. They sometimes admit his theory of making and running a world is perfect, but they must lend a hand as if God did not know his own job. And so it goes, century after century, heaping up debris of states and civilizations, and the authority of experience is ignored, overruled, and the big men of today imagine they can turn the tide of economic current which swept over the big men of yesterday, and left deserts of sand to hide the same old causes of decay and dissolution.

What a refreshing draught of pure air is that which stirs in the pages of Locke's second essay; broad principles, firmly entrenched in the fundamentals of the Most High, are stated with a power of reason and clarity rare in the authors of his day. What though he bungled the matter of occupation and

ownership of land, he made no mistake in his statement of natural rights, and his decision, that the right of property springs from man's right to himself, stands. He saw clearly that man must use the earth or die, that the Creator provided for his needs. He says:

Property whose original is from the right a man has to use any of the inferior creatures for the subsistence and comfort of his life, is for the benefit and sole advantage of the proprietor, so that he may even destroy the thing that he has property in by his use of it where need requires; but government, being for the preservation of every man's right and property, by preserving him from the violence or injury of others, is for the good of the governed.

And once here, man has a right to preserve his life, and his chief motive will be to satisfy his desires and needs with the least exertion.

God, who hath given the world to men in common, hath also given them reason to make use of it, to the best advantages of life and convenience. The earth and all that is therein is given to men for the support and comfort of their being. And though all the fruits it naturally produces and all the beasts it feeds belong to mankind in common, as they are produced by the spontaneous hand of nature, and nobody has originally a private dominion exclusive to the rest of mankind in any of them, as they are thus in their natural state, yet being given for the use of men, there must of necessity be a means to appropriate them some way or other before they can be of any use, or at all beneficial, to any particular men. . . . God, when he gave the world in common to all mankind, commanded man also to labour, and the penury of his condition required it to him.

Joseph Butler, the author of *The Analogy of Religion*, was born twelve years before Locke died. If philosophy means the search for truth, Butler was a great philosopher. He saw the truth in man's kinship with the Creator. Without revealing

any of the technique of the fundamental economist, he struck to the core of economic truth. The earth was given to man to enjoy, and to this end all man was commanded to do was to labour and observe justice. This truth, this primordial essential present in Creation itself, was to Butler so self-evident, that he could attribute misery and evil to no other source than man's own folly. All through the first part of *Natural Religion*, this discovery is ever-present. It is the basis of the *Analogy*, and all his reasoning leads from it. He says:

Now, in the present state, all which we enjoy, and a great part of what we suffer, is put in our own power. For pleasure and pain are the consequences of our actions; and we are endued by the Author of our nature with capacities of foreseeing these consequences. We find by experience he does not so much as preserve our lives, exclusively of our own care and attention, to provide ourselves with and to make use of that sustenance by which he has appointed our lives shall be preserved, and without which he has appointed that they shall not be preserved at all. And in general we foresee that the external things, which are the objects of our various passions, can neither be obtained nor enjoyed without exerting ourselves in such and such manners; but by thus exerting ourselves we obtain and enjoy these objects in which our natural good consists, or by this means God gives us the possession and enjoyment of them. I know not that we have any one kind or degree of enjoyment, but by the means of our own actions. And by prudence and care we may, for the most part, pass our days in tolerable ease and quiet; or, on the contrary, we may, by rashness, ungoverned passion, wilfulness, or even by negligence, make ourselves as miserable as ever we please. And many do please to make themselves extremely miserable—i.e., to do what they know beforehand will render them so. They follow these ways, the fruit of which they know by instruction, example, experience, will be disgrace, and poverty, and sickness and untimely death. This everyone observes to be the general course of things; though it is to be allowed we

cannot find by experience that all our sufferings are owing to our own follies.

Punishment is the consequence of disobedience, and evil is the one unnecessary thing which man persists in doing to his hurt. It is human to err, because man lives by the law of man and not by the law of God. He has the choice; indeed, as Butler puts it, scepticism should keep him straight. "If things afford to man the least hint or intimation that virtue is the law he is born under, scepticism itself should lead him to the most strict and inviolable performance of it, that he may not make the dreadful experiment of leaving the course of life marked out for him by nature, whatever that nature be, and entering paths of his own of which he can know neither the danger nor the end." Man is endowed with the faculty of discernment, and the divine nature has on him imposed an obligation to obey the law. If he have discernment enough to invent a tool to save exertion, the same discernment will suffice to save him from the pains of evil. What other warning could God give that would save man from misery other than those which are constant every day in all the actions determined by choice? Primitive man had to choose hourly, perhaps, between life and death. He had to choose everything of value that is found of benefit to him and his dependants, and, later, all those amenities which form the basis of a culture or a civilization. "Consciousness of a rule or guide of action in creatures capable of considering it as given them by their Maker, not only raises immediately a sense of duty, but also a sense of security in following it and a sense of danger in deviating from it."

To ask for clearer guidance is like asking God to create more land. Because men ignore the dangers and seem to prefer

the risks of deviating from the rule of justice, it is not to be inferred that there is anything lacking in the rule that would insure them against their own folly. Butler says:

Our future and general interest, under the moral government of God, is appointed to depend on our behaviour; notwithstanding the difficulty which this may occasion of securing it, and the danger of losing it; just in the same manner as our temporal interest, under this natural government, is appointed to depend upon our behaviour; notwithstanding the like difficulty and danger. For, from our original constitution and that of the world which we inhabit, we are naturally trusted with ourselves; with our own conduct and our own interest. And from the same constitution of nature, especially joined with the course of things which is owing to men, we have temptations to be unfaithful in this trust; to forfeit this interest, to neglect it, and run ourselves into misery and ruin.

But when theologians, philosophers, and statesmen believe no moral government can precede the foundation of a state or a church, what chance has the ordinary layman of deciding that God is a just God who has provided all the material means for his happiness? The position of Hobbes, delegating divine rule to monarchs from a Creator who designed barbaric anarchism, is in comparison comic to the tragical position of our modern mentors who deny the rule of a just God. For to question in sermon, essay, or prayer the justice of God's government and the wisdom of his bounty is nothing short of downright thoughtlessness. To assume he is responsible for poverty and the evils of poverty—and that is implied when prayers asking for material relief are uttered—is an absurdity. How can men persist in the error of suggesting one moment that God is good, and the next moment suggesting that he is withholding the source of his goodness, the proof of love, from the poor and hungry? And why was the matter so clear to Butler, so clear to Hooker, when it is so dark, so forbidding,

to the divines of this time? It may be that the growth of the complexities of civilization, the immensity of cities, the dwindling of peasant people, the advance of science, and the progress of invention becloud the vision and warp the original good-sense of the well-intentioned mentor. Spengler touches the core of this point when he deals with the divorce, not only vocationally but rationally, of the city from the country. City men have lost touch with nature and primary things. They imagine that city life with all its trammels of so-called progress is something in no way connected now with old conditions, that a new order requiring new principles, economic and religious, has supplanted the past. Butler was of his time, they say, and has nothing of use to give the people of today. This idea is prevalent in ninety-nine per cent of the literature of the hour. And no one reads the old lessons of the rise and fall of civilizations, that they all began with the same principles, and that they all came to the same end by departing from those principles. Whether it be acceptable proof of the wisdom of Moses, or not, there is a strange significance in the third curse: "Cursed be he who removeth his neighbour's landmark." The growth of the cities of Egypt, Mesopotamia, Greece, and Rome differed from the growth of the cities of the West only in method, size, and appliances; economic principles remained the same, unaltered. The cancer at the roots of their states was the same cancer which now undermines the cities of the West. Spengler sees only the effect of the disease, he does not yet see the disease itself.

What would a Butler do now for the languishing church! If, as Spengler suggests, there will be a second religiousness, it will not "lead back to certain elements of Gothic Christianity." The barriers of the Reformation and the Council of Trent make that impossible. But it may come in the way

Spengler thinks: "The material of the Second Religiousness is simply that of the first, genuine, young religiousness—only otherwise experienced and expressed. It starts with Rationalism's fading out in helplessness, then the forms of the spring-time become visible, and finally the whole world of the primitive religion which had receded before the grand forms of the early faith, returns to the foreground. . . ." And if it come, what will the Church do? Is the Church ready to do anything to welcome it? Not the church of cities, the subservient institution of the modern state, will serve the needs and purposes of a Second Religiousness. A Butler, were one here, would be the first to say so. He would declare:

The happiness of the world is the concern of him who is the Lord and the Proprietor of it; nor do we know what we are about when we endeavour to promote the good of mankind in any ways but those which he has directed, that is, indeed, in all the ways not contrary to veracity and justice. I speak thus upon suppositions of persons really endeavouring in some sort to do good without regard to these. But the truth seems to be that such supposed endeavours proceed almost always from ambition, the spirit of party, or some indirect principle concealed, perhaps, in great measure from persons themselves.

A Second Religiousness must mean a deep desire of men to let God's justice prevail, or it will mean nothing, nothing that will bind man to an invisible God.