

## *Of Heaven's First Law*

J. M. LALLEY

**The Roots of American Order**, by Russell Kirk, *LaSalle, Illinois: Open Court Publishing Co., 1974. xvi 534 pp. \$15.00.*

### I

THE WORD "order," both as noun and as verb, has such a variety of meanings and shades of meaning that their definitions and illustrative citations fill nearly four pages of the *Oxford English Dictionary*. Even so, none seems to fit precisely the theme of this book, so at the beginning Dr. Kirk provides his own definition, which is really the synthesis of several others. "Order," he tells us,

means a systematic and harmonious arrangement—whether in one's own character or in the commonwealth. Also "order" signifies the performance of certain duties and the enjoyment of certain rights in a community. . . . We can distinguish two sorts of roots intertwined: the roots of moral order, of order in the soul; and the roots of civil order, of order in the republic. . . .

A rooted order presupposes a tradition and implies on the part of persons and communities certain habitual affirmations, attitudes, and usages. Dr. Kirk has here un-

dertaken to trace to their religious or historical origins the beliefs and pieties that until now have served as the ligatures of our society, and in doing so gives fresh evidence of his vast reading and deep and scholarly reflection on what he has read. If in the process he provides nothing much in the way of original discovery or of reinterpretation, it was not his purpose to do so, but rather to show that where the religious vision fades and is lost, disorder follows.

About two thirds of the study is applicable in general to the whole of what was formerly Christendom—or what we now call the Western world—and relevant only by inheritance to the American past and present. Western civilization, as he shows, had its source in the confluence of three ancient streams of activity: Greek thought and aesthetics, Roman law and organization, and Hebraic religion—meaning not only the Old Testament and Judaism but also the Gospels and Christianity, since theologically the latter are conceived as the fulfillment of the former. The fathers of this republic, Dr. Kirk tells us, saw nothing but cautionary tales in what they knew of Greek religion and Greek political history, centered as they were on the city-states and their guardian deities; but the influence of Platonic, Aristotelian, and Stoic moral con-

cepts, most notably justice, was vast and profound, and to discover the size of our debt to Greek artists and architects, observes Dr. Kirk, one needs only to visit Washington. It is from the Romans that we derive our concepts of law—natural and positive—as the primary restraint against destructive evil. St. Paul in his second message to the church at Thessalonica warned of an approaching time when the restraint would no longer avail and there would be universal anomy, or lawlessness. In prophetic exegesis the loosing of “pure anarchy upon the world” proclaims the reign of Antichrist which is to precede the Second Coming. Dr. Kirk cites a commentary on the Pauline text by John Henry (afterwards Cardinal) Newman:

We have actually before our eyes, as our fathers also in the generation before us, a fierce and lawless principle everywhere at work—a spirit of rebellion against God and man, which the powers of government in each country can barely keep under with their greatest efforts. . . . At least we know from prophecy that the present framework of society and government, so far as it is representative of Roman powers, is that which withholdeth, and Antichrist is that which will rise when this restraint fails.

## II

THOSE WORDS were written 137 years ago, not long after the accession of Queen Victoria and at the height of the great Chartist agitations. Today, as every newspaper reader must be aware, they seem more applicable to our own apocalyptic times, but Dr. Kirk evidently has not the now fashionable resignation to catastrophe that, among intellectuals at least, is replacing the former faith in a perfectible human nature and its march to utopia. He seems to share something of Theodore Roosevelt's belief in a special Providence that looks after “drunkards, sailors, and the United States of America.” At any rate, despite the in-

transigent secularity of government and courts, he is able to see in the still unrepudiated national motto, “In God We Trust,” a “reaffirmation of the covenants made with Noah and Abraham and Moses and the Children of Israel.” The power of Old Testament religion is further reflected in the Puritan heritage, still an important ingredient of the American character. It is American Christianity that “still gives coherence to America's political order, although it does not prescribe the form of political institutions.” The Christian church, Dr. Kirk goes on to observe.

has coexisted with monarchies, autocracies, aristocracies, republics, democracies and even some of the twentieth-century totalist regimes. Yet if Christian belief be general among a people, then any political denomination is affected by Christian teachings about the moral order. That moral order works on the political order. Christian concepts of justice, charity, community, and duty may transform a society without any abrupt alteration of framework. The worth of the person, the equality of all men before the judgment seat of God, the limitation upon earthly authority—such Christian convictions as these [were to] shape the American Republic.

## III

HERE PERHAPS Dr. Kirk might have noted that though Christianity does not demand any particular political forms, politics or political necessity has at times determined the form of Christianity. One recalls for example the assertion attributed to the sometime Protestant hero, Henry of Navarre, that the French crown was well worth a mass;<sup>1</sup> one also recalls the formula, *cujus regio, ejus religio*, whereby an end was brought to the fearful Thirty Years' War. However, as Dr. Kirk reveals—and as the famous jurisconsult, Sir Henry Maine, observed nearly a century ago<sup>2</sup>—the strongest factors in the making of the American

political order are derived from English antecedents. Next to the language (which is now apparently being tortured into jargon on both sides of the ocean), the chief influences have been representative government and the Common Law tradition. To these perhaps should be added the two party system, though the authors of our Constitution deemed political parties an evil to be avoided. The system began, one gathers, when Titus Oates spat the word *tóraidhe*<sup>8</sup> at anyone bold enough to doubt his story of the Popish Plot. A *tóraidhe* was the Irish name for a Catholic landowner, who after having been forcibly dispossessed, turned bandit and preyed where possible on the English soldiers and settlers in his native land. Soon the name was applied to all those who upheld the right of the Catholic James Stuart, Duke of York, to succession to the English crown. The Tories, or Jacobites, soon found a contemptuous name for their adversaries. It was Whiggamore, a word of uncertain origin, denoting one of a fanatic and turbulent sect of Scotch Covenanters, described as a "middle sort betwixt Anabaptist and Presbyterian." The partisan names "Whig" and "Tory" were worn proudly and belligerently for about a century and a half before they were replaced by "Liberal" and "Conservative." Transplanted to America on the eve of the Revolution the name Whig was eagerly adopted by the Patriot party and the term Tory applied to those who stood by Parliament and King. But this latter, Dr. Kirk insists, was really a misnomer. The Loyalists, as they preferred to call themselves, were not Tories at all, but only a less radical variety of Whigs—Rockingham Whigs indeed!

#### IV

ENGLISH PROTESTANTISM, both Anglican and dissenting, and Scotch Calvinism have greatly helped to set the temper of the American mind. The so-called "Protestant ethic," combining the virtues of hard work, thrift and self reliance, Dr. Kirk tells us,

characterized nearly all the colonists. It was fostered by the hard conditions of early colonial life and the policy of "salutary neglect," pursued toward the colonies by Crown and Parliament until well into the eighteenth century. The "Protestant ethic," it appears, arises from the fundamental Protestant doctrine of "the priesthood of all believers."

. . . Christians, if they have faith, require no intermediary with God. . . . So the Protestant (or Evangelical) divines taught; and as they swept away monk and priest, so they abolished all the mediaeval sacraments but two—baptism and the Lord's Supper. Study the Scriptures; search your conscience; follow the steps of Christ; pray earnestly that the grace of God may be extended unto you. . . .

Among Calvinists especially, indications that God had chosen a man to be saved were eagerly sought after; it was popularly supposed that one such indication might be a man's success in his worldly vocation, made possible providentially. . . . The cloistered life of mediaeval times having been rejected, godly endeavor in the secular world was emphasized in its stead.

Was this perhaps the seed of what long afterward was to become the American success cult, or what William James called the idolatry of the bitch goddess? Dr. Kirk does not examine the question; yet he does note that "the doctrine of the universal priesthood, when transferred from the realm of religion to that of politics could not but nurture the democratic ethos." The "Protestant ethic" was adopted unawares and almost by necessity by the handfuls of Roman Catholics in Maryland and elsewhere. The story would have been the same, our historian assures us, had the great waves of Catholic immigration from Ireland and Germany, begun in the 1840's, occurred a century earlier.

Another important legacy from England, we are told, is what Burke called "the idea

of a gentleman." Not that there were among the early colonists more than two or three families whose gentility would have been acknowledged by their British contemporaries. Most were plebeian and many, as documents show, were illiterate. According to Robert Beverley, King James I thought seriously of having John Rolfe attainted of treason for his effrontery in having married into a royal house! Few British noblemen ever came to this continent in colonial times, and of those few none chose to become a permanent resident. Still, intelligence, tradition and the acquisition of wealth did combine after a generation or two to produce that "natural aristocracy of talent and virtue" to which, according to both Adams and Jefferson, lesser men look for leadership. Successful Americans, says Kirk,

had before them the model of the English gentleman—who in some sense was the institutional descendant of the Renaissance cavalier and, more remotely, of the mediaeval knight. . . . The English gentleman, first of all, was a man of good breeding, that is of courteous and graceful manners. He was a man of honor, who would not lie or cheat; he was a man of valor, who would not flee before enemies; a man of duty, who served king and country as magistrate or member of a representative assembly. . . .

All these qualities were present in the natural aristocrat in America. He was to be found after a time in all the Atlantic colonies, but the type best remembered, Dr. Kirk believes, was the Virginia gentleman-planter, perhaps because four of our first five presidents were of this species.

Still another characteristic of American order, so far at least as it has been represented by the natural *aristoi*, has been moderation, the Delphic *meden agan* and the Aristotelian doctrine of the golden mean, transmitted chiefly through Richard Hooker's famous essay *On the Laws of Ecclesiastical Policy*. In politics as in

religion, when attitudes run to extremes the result is fanaticism, anarchic violence, and as in Europe of the sixteenth and seventeenth centuries, civil war. Thus Dr. Kirk sees the temporary collapse of American order in the mid-nineteenth century as an inevitable consequence of the fierce conflict of Abolitionists and Fireeaters.<sup>4</sup> "Jefferson said that liberty can be maintained only by ceaseless vigilance; it is [just] as true that order can be sustained only by endless patience."

## V

THIS BOOK was commissioned by Pepperdine University as part of its contribution to the bicentenary celebration of American nationhood. Though much of it deals with mystical and metaphysical ideas, it is written for the most part with grace and great clarity, and the archaic mannerisms that Dr. Kirk sometimes affects in his journalistic writing are absent here. The final chapter consisting largely of long quotations from Orestes Brownson and other political thinkers gives some evidence of having been hastily assembled to meet a deadline. The book seems designed primarily for students, especially those taking courses in government or political science, among whom Dr. Kirk would like to rekindle "the moral imagination"; it might also serve as a general introduction to Western thought and belief, and even perhaps as a kind of theological primer. There is an admirably chosen reading list covering twenty-four pages, and a vast chronology covering several millennia, beginning with the Egyptian Old Kingdom and ending with the assassination of President Lincoln and the publication of Brownson's *American Republic*.

A curious aspect of so long a book is its paucity of purely literary allusion, despite the author's acknowledgment that

. . . Modern scholars who try to trace the Puritan shaping of American order through political tracts—through books

like James Harrington's *Oceana*, say— have taken a misleading path, if they are looking for major influences. Imagination, not dialectic, rules the world. For every American who read *Oceana* once, ten thousand read *The Pilgrim's Progress*.

But though some attention is given to Dante, Cervantes, T. S. Eliot and even W. B. Yeats, and much to John Bunyan, there is no mention of Chaucer or Shakespeare, and of Milton only as "the prose champion of civil liberties." One cannot help thinking that the "verray, parfit gentil knyght" of the *Canterbury Tales* might have been a better representative of the chivalric spirit than John of Brienne, the tough old Crusader who became a Latin Emperor of Constantinople. And a thirty-six word citation from *Hamlet* would have epitomized the mystical humanism of Pico della Mirandola, on which Dr. Kirk expends about a half dozen pages.<sup>5</sup> And who better than poor old Gloucester has described what follows the death of order in the soul and the state?

Love cools, friendship falls off, brothers divide: in cities, mutinies; in countries, discord; in palaces, treason; and the bond cracked between son and father.  
...

"*La couronne vaut bein une messe.*" The remark is sometimes attributed to Sully.

<sup>2</sup>*Popular government: Four Essays* (New York: Henry Holt and Company, 1886).

<sup>3</sup>Dr. Kirk says that it means etymologically, "O King, Come," but there seems no etymological evidence for this. Nearly all dictionaries, whether English or Irish, agree that it means "pursued."

<sup>4</sup>"Fireeater": A violent advocate of Southern interests and constitutional rights in the decade of the 1850's. E. C. Smith and A. J. Zurcher, *New Dictionary of American Politics* (New York: Barnes & Noble, Inc., 1949).

<sup>5</sup>"What a piece of work is a man! How noble in reason! How infinite in faculty! In form and moving how express and admirable! In action how like an angel! In apprehension how like a god!  
..."

<sup>6</sup>*King Lear*, Act I, Scene II.