

THE INSTITUTE FOR ANACYCLOSIS

EXCERPT FROM
FREEDOM IN THE WESTERN WORLD
[FROM THE DARK AGES TO RISE OF DEMOCRACY]
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Note: This text briefly distinguishes the evolution and characteristics of the English Parliament from its counterparts on the Continent, linking its unique character to the development of the English upper-middle classes comprised of “burghers and yeomen”. This historical account is consistent with The Institute’s underlying philosophy that the first appearance of democracy in each iteration of Anacyclosis is intrinsically linked to the rise of the middle classes; this is also a core Aristotelian doctrine. Muller describes how the early roots of English political equality lie in the development of Parliament, noting that by the beginning of the fifteenth century England was “the first nation in Europe to begin realizing a measure of equality in political life”. The historical descriptions also relate institutional development to prevailing socioeconomic class composition and sentiment, which relates to another premise held by The Institute that the character of political institutions must be a time-lag reflection of the underlying socioeconomic configuration of political society. Geographic considerations are also noted, with an emphasis on the British Isles’ favorable location and distance from the Continent of Europe. For all these reasons, England, like Rome in antiquity, was positioned – but not destined – to become the “lead culture” under whose language and customs the present iteration of Anacyclosis would be consummated. Muller also makes another important, but often-overlooked point: that the character of English laws, institutions, and customs enabled the development of a “loyal opposition” to absorb and mitigate the effects of political faction, something which eluded the Romans, which is clearly evident during the tumultuous century commencing with the Gracchi. This observation reconciles with American founding-era philosophy; in Federalist No. 10, James Madison warned of the evils of faction, linking the existence and durability of faction to the stratification between those with and those without property. As the Anglo-American middle classes are hollowed out and social stratification becomes ever more extreme, the bitterness and divisiveness of class strife and factional politics are lessons living generations are once again re-learning, and the notion of the “loyal opposition” seems in danger of slipping away.

Chapter Eight – Prelude: The History of England. 1. The Muddling Mother of Parliaments

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Having to rule over a conquered people, William succeeded in settling up a stronger, more orderly administration than was readily possible in the feudal confusion on the continent. England got an earlier start to becoming a nation. At the same time, William did not wield or claim absolute royal power, being bound not only by feudal law but by the old Saxon law that he had tactfully sworn to observe. His sons had no automatic right to succeed him as the king of the English but had to be elected, in keeping with Saxon custom; to win the election against a brother, Henry I made sworn promises in a charter that anticipated Magna Carta. ...

As the last foreign invasion of England to this day, the Norman Conquest also accentuated a particular advantage of the “sceptered isle”. It was a small land with definite borders, close enough to the continent always to be part of the Western community, open to all the stimulating influence of the rising civilization, yet remote from Rome and the Holy Roman Empire, protected by its straits, relatively secure. On their tight little island the English could more easily become united and work out an independent destiny. Sufficiently warlike, they did not have to maintain a large military establishment, worry over the

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threat of warlike neighbors, or recover from periodic devastations. Of their own will they entered upon the Hundred Years' War with France, the first great national war, and as stupid and needless as any; but the English gained something even from this. While it heightened their self-consciousness and public spirit, the victories won by English archers over the mounted French nobles inspired one of the popular themes in their history – the democratic theme of the “sturdy yeoman.” For such reasons their nobility tended to become less exclusive and parasitical than the nobility of France, Spain, and Germany, eventually taking to the commerce and industry disdained by its peers abroad.

... English kings, who included the usual assortment of statemen, warriors, and blunderers, were on the whole stronger than their counterparts elsewhere, but their power was hedged both by feudal custom and by the principle of constitutionalism come down from Roman tradition; they were expected to obey the law of the land. And like other kings they ruled with the aid of a parliament.

No British invention, the Parliament that was to become the major political creation of England was at first no more designed as a citadel of liberty. It never met by initiative of the governed or by regular institutional procedure. Kings summoned it from time to time to suit their own convenience; the most ambitious ones had especial need of it to raise the armies and moneys they needed. Down to the sixteenth century representation in it was commonly considered more a burden than an honor. In England as elsewhere there was no clear theory of sovereignty, no clear line between executive and legislative powers, no regular means of holding the king strictly to the law he was supposed to obey. The basic idea that the king could do no wrong was ambiguous enough to suit his purposes, and the clearest custom supported his supreme authority; while he shared with Parliament uncertain powers of making laws, it remained certain that no statute was valid without his assent. What English kings made of kingship depended pretty much upon them, or upon changing circumstances more than changing principle or parliamentary statute.

Yet there were differences between English and continental practice, which in the event were to prove most important. To begin with, there was only one parliament instead of many. On the continent some local parliaments survived the rise of monarchy but the royal ones withered away; only in England did this national body persist all along and become Parliament – a permanent capitalized institution. If this outcome was hardly assured in the Middle Ages, it was heralded by events that at the time caused more stir than Magna Carta. One was the deposition of a lazy, feeble king, Edward II; Parliament forced him to give up the throne to his son. Another deposition, that of Richard II in 1399, was more revolutionary because Parliament charged the king with not merely incompetence but violation of the law of the land. Richard, it declared, had said “that the laws were in his own mouth and often in his own breast, that he by himself could change and frame the laws off the kingdom ... and he has acted on these sayings.” In other words, it explicitly condemned the idea of absolute monarchy; and having forced Richard formally to renounce all his royal rights, it proceeded to choose his successor, in effect holding that the new dynasty ruled by parliamentary title.

By this time, too, the English Parliament had acquired something unique – a House of Commons, representing burghers and yeoman. As elsewhere, the early parliaments had comprised the free feudal estates but only in England did they split up into Lords and Commons. Characteristically, this institution did not originate by plan or statute, nor in response to popular demand; precisely when and how the two bodies came to sit, debate, and vote apart is unknown. By the end of the fourteenth century, at any rate, the Commons had acquired considerable power and prestige. It was a party to majestic acts of state, such as the deposition of kings; its consent was necessary for all statutes and extraordinary taxation; its independent petitions were often granted by the kings. The reasons for its increasing importance are clear enough, though again not a matter of high political principle or passion for liberty: both the kings and the great barons sought its support in their continual struggles. With the growth of a money economy the burghers also acquired more authority as the makers of money, more knowing about such matters than the

lords; early in the fifteenth century it became established that all money grants were to be initiated in the House of Commons, thus preparing the way for its eventual claim of exclusive control of taxation.

The composition of the Lower house was in keeping with its haphazard growth, amounting to a medley of middle-class Englishmen. Its members were not elected in accordance with any national law, nor by uniformly democratic procedures; each borough chose its representatives in its own way, usually to suit oligarchic interests. Nevertheless, this messiness reflected a decent tradition of local self-government that nurtured an independent spirit. The medley made for respectability and strength because it included not only town burghers but landed gentry, the knights of the shire. The Lords found it easier to co-operate with the Commons because their lesser brethren sat in it; they did not habitually view commoners with the contempt that became the insignia of aristocratic pride on the continent. Until this century the English have had little sentiment of equality, dearly loving their lords, and to democrats they looked class-ridden; yet they were the first nation in Europe to begin realizing a measure of equality in political life, where it counted most, and their class feeling was tempered by a measure of mutual respect that bred in commoners more self-respect. Then they developed political parties these would become more or less national parties, not irreconcilable class factions. So the English early began muddling through to one of the miracles of political history: a quite simple idea, indispensable to the success of democratic government, but never clearly or fully realized in the Greco-Roman world or the Italian city-states – the idea of a “loyal opposition.”

A related distinction of the English was that they alone retained their native common law. Their pride in it, which had much to do with their uncommon respect for law, was as usual somewhat foggy. They owed much more than they realized to Roman law, which had not only contributed to their notions of constitutional government but helped their eminent jurists, beginning with Bracton, to rationalize their law. One of their most prized institutions, trial by jury, was not an English invention; the idea came from the Franks, and it then evolved in typically unpremeditated ways. Still, this democratic mode of judgment by neighbors was in keeping with the spirit of their common law. It was a law suited to the interests of commoners, protective of their basic liberties. ...

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