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**THE CONCEPT OF ORDER IN THE POLITICAL AND LEGAL
DISCOURSE OF PRE-REVOLUTIONARY ENGLAND**

SUMMARY. The article analyses the main components of the concept of order, as it is presented in the works and public speeches of pre-revolutionary England.

KEY WORDS. England, order, law, lawyers, organic metaphors, political body.

The Middle Ages are characterized by a static view of the world which was understood as God-created, hierarchical, unchanging and eternal. Peculiar to the medieval mind, traditionalism oriented people towards the reproduction of their parents' lives and the strengthening of their corporation (body) as they were a part of it. Any changes could be dangerous and were perceived as evil and sinful. On the contrary, in the dynamic Modern Age view, people appear to focus on social change and the achievement of personal success.

Pre-revolutionary England lived with social, political and religious tension in anticipation of the quietly impending civil war. In the 16th Century she passed through the Reformation and two religious changes. The birth rate increase caused masses of paupers who appeared to be outside of the traditional society and picture of a harmonious world.

This loss of order is obviously presented in the famous John Donne poem, "An Anatomy of the World" (1611):

And new philosophy calls all in doubt,
The element of fire is quite put out,
The sun is lost, and th'earth, and no man's wit
Can well direct him where to look for it.
And freely men confess that this world's spent,
When in the planets and the firmament
They seek so many new; they see that this
Is crumbled out again to his atomies.
'Tis all in pieces, all coherence gone,
All just supply, and all relation [1; 203]

But the inhabitants of the island didn't lose their traditional view. The growth of instability developed nostalgia for order and harmony, which the majority considered natural and necessary. The less order and stability were in real life, the more they needed it [2].

The aforementioned John Donne, frustrated by diseases, in his famous work "For whom the bell tolls" expressed his sorrow for order dragging at his heart-strings [3].

The idea of order presupposed a comparison between the universe arranged by God and the social structure of the earthly world of humans. To describe the celestial and earthly worlds, metaphors, images and concepts specific to metaphysical, traditional perception were used. The world view was as follows. The world has been created according to the divine plan. The world has to be integral, unified, harmoniously arranged and consequently hierarchical. "God is the beginning of all things as their sample... Order itself, existing in things that are created so by God, reveals the unity of the universe. In fact, the universe is called unified from the unified order in the sense that every thing is related to every other. Everything that is from God is intercorrelated and to God himself and is shown somehow... As it has been stated above, the perfection of the universe demands everything to have inequality to accomplish all the stages of perfection" [4; 155-156]. Thus, the integrity of the world presupposed the presence of a certain hierarchy between the spiritual and material substances created by God. Every element of God's creation has its own place, and all of them are connected to each other by a so-called "great chain of being". The term "the great chain of being" was introduced into science by A.O. Lovejoy [5], who had taken this metaphor from the poet of the 18th Century Alexander Pope. The latter wrote as if proving the ability of the idea to adapt even to the Enlightenment age:

Vast chain of being! which from God began,
Natures ethereal, human, angel, man,
Beast, bird, fish, insect, what no eye can see,
No glass can reach; from Infinite to thee,
From thee to nothing. On superior powers
Were we to press, inferior might on ours
Or in the full creation leave a void,
Where, one step broken, the great scale's destroy'd [6; 60]

The inequality and hierarchy of the elements of the universe are determined by the necessity of their mutual hierarchy. Without this hierarchy, arranged by God, no order is possible. Shakespeare described it in "Troilus and Cressida":

The Heavens themselves, the planets, and this centre
Observe degree, priority, and place,
Insisture, course, proportion, season, form,
Office, and custom, in all line of order.
And therefore is the glorious planet Sol
In noble eminence enthroned and sphered
Amidst the other, whose medicinable eye
Corrects the ill aspects of planets evil,
And posts like the commandment of a king,
Sans check, to good and bad. But when the planets
In evil mixture to disorder wander,
What plagues, and what portents, what mutiny,
What raging of the sea, shaking of the earth,
Commotion in the winds, frights, changes, horrors
Divert and crack, rend and deracinate

The unity and married calm of states
Quite from their fixture. O, when degree is shaken,
Which is the ladder to all high designs,
The enterprise is sick. How could communities,
Degrees in schools, and brotherhoods in cities,
Peaceful commerce from dividable shores,
The primogenitive and due of birth,
Prerogative of age, crowns, sceptres, laurels,
But by degree stand in authentic place?
Take but degree away, untune that string,
And hark what discord follows: each thing meets
In mere oppugnancy. The bounded waters
Should lift their bosoms higher than the shores
And make a sop of all this solid globe.
Strength should be lord of imbecility,
And the rude son should strike the father dead.
Force should be right, or rather, right and wrong,
Between whose endless jar justice recides,
Should lose their names, and so should justice, too.
Then everything includes itself in power,
Power into will, will into appetite,
And appetite, an universal wolf,
So doubly seconded with will and power,
Must make perforce an universal prey,
And, last, eat up himself [7; 348-349].

Ideally the social world of humans was not supposed to be different from the celestial one. God's representative on the earth, according to some post-reformation ideologists, was a monarch. Subjects from their birth were supposed to occupy the social statuses that were determined by their destiny. Social arrangement of the world was depicted as hierarchical and harmonious, and social order — as a part of divine plan. [6; 17-19]. In the beginning of the 16th Century Edmund Dudley wrote about this, "God has created the order of relationship between him and an angel and between an angel and an angel through charity; between an angel and a human and between a human and a human through nature. And all of them — from top to the bottom — were ordered by God to follow this order without any resistance" [6; 18]. As it is noted by S. Collins, "Tudor theoreticians considered that "order" is natural, i.e. divine. Any social or political structure exists as a reflection of natural, God-arranged order; and this reflection corresponds to the divine designation" [8; 16]. They spared neither ink nor pens to demonstrate the necessity to keep the regularity and hierarchy that like pebble leather was disappearing in front of their eyes. Let us specially note that it was social questions which were in the centre of their reflections on order, hierarchy and harmony. They wrote more about society relating it to the universe than about the state [9; 1].

Apparently, by the end of Elizabeth's reign it began to be understood that thoughts about social harmony were just a delusion. That is why in the late 16th — early 17th Century the focus of political authors' reflections was not the

problem of society and social harmony, but the problem of the state and political order [9; 109]. Many of them wrote about state power as the main guarantor of social stability. According to Robert Bolton, a puritan preacher of the 17th Century, "Government is the prop and pillar of all States and Kingdoms, the cement and soule of humane affaires, the life of society and order, the very vitall spirit whereby so many millions of men doe breathe the life of comfort and peace; and the whole nature of things subsist" [10; 17].

There was no unified vision of state serving to provide social order. Some authors tried to use the idea of a divine plan and to make a comparison between the celestial and state structure, others under the influence of Machiavelli, taking into consideration the historical experience of their own country, the consequences of religious wars taking place on the continent, were inclined to think that order and stability were arranged not according to a divine plan, but according to the plan of people themselves [11]. Some elements of this idea have been found by researchers in the works of W. Raleigh, F. Bacon, T. Eliot, who were not afraid of innovations in the system of state structure. Some jurist-antiquarians (J. Selden, G. Spelman) believed that throughout her history, England had renewed the state order many times and there was nothing bad and unusual in it. This idea was the most accomplished during the English revolution in "Leviathan" by T. Hobbes, who devoted many pages to the "art" of state structure and government [8; 109-148]. Behind these thinkers there was specific knowledge, acquired either as a result of historical investigations or developed with the help of thoughtful observations of routine reality. Representatives of the first movement continued to use metaphysical myths, representatives of the second movement that was called "empirical" by V. Greenleaf — historical sources, findings and research results.

In the beginning of the 17th Century, to describe the state political writers often used the metaphor "political body", which was compared with the natural human body. A king in such structures was related with the head or heart, subjects with other parts of the body, and the interrelations that helped to perform government, submission and subordination functions with "tendons". In 1606, Ed. Forset wrote about it in his treatise, which had a characteristic title "A Comparative Discourse of the Bodies Natural and Politique". According to him, when God created a human, he made the soul active, and the body passive. The soul, in his opinion, is the embodiment of power, and the body the personalization of citizenship. Turning to the characteristics of the body politic, he wrote, "In every civill state, there is a directing and commanding power, and an obeying and subjected alleageance. For as neither the soule alone, nor body alone can be a man, so not the ruler alone, nor the subjects alone, can be a commonwealthe" [12; 3]. All members of a political body should act in concert with each other, otherwise instead of order there will be chaos and anarchy [12, 48-49].

Organic metaphors were used everywhere. For example, a state experiencing some sort of disturbance was usually called "sick". As "treatment of a political body" it was prescribed to use medical methods. "A lerned and skilfull Phisician," wrote T. Wilson in his treatise "The State of England, Anno Dom. 1600", "when he desireth to understand perfectly the state and disposition of any body, the first thing he doeth, he will feel the pulse, howe it beates, and thereby he fyndeth the force of life which it holdeth and the vigor of the human which possesseth the same.

Thereupon he demandeth of the patient divers questions, howe the body hath bene governed; what diet; what order; what exercise. That knowne, he beholdeth the outward appearance, he vieweth the face, the bosome, and each external member. Thirdly he cometh to the inward and unseen partes, and of them he devyneth by dreames, delights, cogitations and sometimes by phantasyes which are not alwise sure. This order must be holden in understanding a body politicke, Kingdom or Comonwealth. First wee must feele the pulse, how the State is for the mayne pointe of its essence, viz. whether it be absolute or dependant, hereditary or elective, growinge or declyninge, how and why; and soe of the other two in order the parts external and internall [13, 1].

Of course, lawyers in their writings used, as a rule, “the language of common law”, purely legal terminology. It seems, however, that “organic conception”, related more to the sphere of common cultural views, was not unfamiliar to them. For example, H. Finch says, “The persons within the realm are to be considered either as one intire body, or as particular persons. As one intire body it consisteth of the king and common persons his subjects” [14, 80-81]. In F. Bacon’s works, elements of “organic concept” can be found. In 1603 addressing James I, who had shortly before taken the English throne, he wrote, “It seemeth to me, that as the spring of nature, I mean the spring of the year, is the best time for purging and medicining the natural body, so the spring of kingdoms is the most proper season for the purging and rectifying of politic bodies” [15, 106]. An “organic trace” can be found in the works of his personal enemy and political opponent, Ed. Coke. “By ancient law, our realm of England is an absolute empire with a monarchical form of government, consisting of one head — the King and the political body upon which there are indistinguishable, but coordinating with each other members” [16; XXVII]. Corporations, like states, constantly exist, thinks Coke. It is symptomatic that after his older contemporary Littleton he calls them “political bodies”. “Corps politique is a body to take in succession, framed (as to that capacity) by policie, and there upon it is called here by Littleton a body politike; and it is also called a corporation, or a body incorporate, because the persons are made into a body, and are of capacity to take and grant. And this body politike, or incorporate, may commence and be established three manner of ways, viz. by prescription, by letters patents, or by act of parliament. Every body politike or corporate is either ecclesiasticall or secular... And this body politike, or corporate, aggregate of many, is by the civilians called collegium, or universitas” [17; 250a].

It is clear that both tradition and common political realia tried to convince that stability and order weren’t possible without following the regulating rules of law. But the language of jurists of that time was full of organic metaphors. W. Noy wrote, “The Law is the life and sinews of every commonwealth”. H. Finch, for example, defined law as an “art of well ordering a civil society” [18; 330]. Ed. Coke, the most consistent supporter of the traditional conception of law, thought that in a state all the elements must remain in their place, follow “their law”, for it to live and function normally. He wrote about this, “For as the body of man is best ordered, when every particular member exerciseth his proper duty: so the body of the commonwealth is best governed when every severall court of justice executeth his proper jurisdiction. But if the eie, whose duty is to see, the hand, to work, the feet, to go, shall usurp and incroach one upon anothers work: as, for

example, the hands or feet, the office of the eye to see, and the like; these should assuredly produce disorder and darkness, and bring the whole body out of order, and in the end to destruction. So in the commonwealth (justice being the main preserver thereof) if the court should usurp, or incroach upon another, it would introduce uncertainty, subject justice, and bring all things in the end to confusion" [19; Proemium].

For the law to perform its protective function there must be special conditions, first of all, peace, absence of wars and riots. Social cataclysms and armed conflicts between the states, when the law loses its forcing power, and force replaces law, he considered probably the main reasons leading to the violation of laws and lawlessness. "The time of peace", he stated, "is the time of law and right, and the time of war if the time of violent oppression, which cannot be resisted by the equal course of law. And therefore in all real actions, the expleas, or taking of the profits, are layed tempore pacis, for if they were taken tempore belli, they are not accounted of in law" [17; 249b].

It is easy to see that in pre-revolutionary England, medieval conceptions of law and order as the main components of the idea of a divine plan were still relevant. National and social order was considered impossible without law retaining all the elements in their proper places. In fact, the law implemented every day was order itself. The main antitheses to law in works of that time are anarchy, lawlessness and disorder. In the early 17th Century, people spoke about a vertical, hierarchical order, which had to be supported by an appropriate law. Conceptions of a horizontal order with their inherent ideas of equality were either unknown at the beginning of the 17th Century, or, most likely, rejected by intellectuals, close to the elite. But forty years later, the idea of equality would take a very firm place in the minds of the English.

Thus, social processes, having touched Tudor and early Stuart society, strangely affected human consciousness. The less order there was in life, the more need there was for it. Participating in the stormy parliamentary debates of 1628 where more than ever there arose the question of liberties of subjects and limits of royal power, Ed. Coke thought it necessary to state, "Order is the essence and virtue of a commonwealth. Job says that in hell nullus ordo (Job X, 22)" [20; 514]. During the revolution, nostalgia for order was felt by both the Cavaliers and their opponents. For example, the cavalier Griffith Williams giving his speech in 1643 against the actions of Parliament, and the Presbyterian William Prynne, disputing the claims of independents and levellers in 1648, appealed to the idea of order and reproduced, in fact, one and the same argumentation. "Although among the works of God, each flower can not be a lily, each animal—a lion, each bird—an eagle, and each planet—the Sun", wrote the first of them, "A community of people has appeared claiming to become the new church. They profess the doctrine that all men are equal before God. Circumcised and uncircumcised, bound and free, masters and servants, a Jew and a Gentile, a barbarian and a Scythian, a court jester and a courtier, rich and poor—all are equal before God. The titles of kings, lords, knights and gentlemen were not created by God, but invented by humans. The one who invented them followed vanity, not God. To state like this, summarized G. Williams, means to equalize all, to avoid the superiority of one over another, to struggle for the disappearance of the king, lord and gentleman [21; 30-31].

William Prynne was more consistent in his arguments, “Domination, supremacy, monarchism, government and nobility are inherent in nature and that are the Lord’s own institutions. Not only he subordinated all the beasts and creatures to the supreme domination of the human whom he gave power over them [...], but also subordinated one person to another, children to parents, wives to husbands, servants to masters, subjects to kings, soldiers to captains, sailors to helmsmen, scholars to teachers, people to priests. If this order starts to be denied and destroyed, there will be complete and fast chaos in all families, corporations, realms, kingdoms, armies, garrisons, schools, churches. And all human communities that exist just due to the order and subordination of one another will disjoin ... I, therefore, follow St Apostle Paul in his warning that these stubborn people [sectarians and levellers — author’s note] have completely forgotten, “Let every soul be subject to the governing authorities. For there is no authority except from God, and the authorities that exist are appointed by God. Therefore whoever resists the authority (and you resist and oppose — inserted by W. Prynne) resists (you resist and oppose — inserted by Prynne) THE ORDINANCE OF GOD (emphasized by W. Prynne), and those who resist will bring JUDGEMENT on themselves (emphasized by W. Prynne)” (Romans 13:1,2) [21, 32-33].

The desire to describe and explain reality in familiar terms, as we have seen, continued to dominate the mind. More adequate perception of reality showed its vague features by the individual authors. “Another reality” existing in the traditionalist minds of the English, hardly found a tendency to change. The deformation of the existing social system only began to shift the axiological paradigm. That is why some authors continued to rely on the mysterious ability of the law to ensure order, while others began to come to the conclusion that achieving it was possible only through use of the coercive power of the state.

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