

THE ESSENCE OF THE LITERARY CLUB  
President's Paper, 153<sup>rd</sup> Anniversary Banquet

October 28, 2002

Rollin W. Workman

It was two or three years after I became a member of Literary Club that I learned from somebody's paper that the motto on the wall behind me comes from a Shakespeare play and that the line following "here comes one with a paper" is "God give him grace to groan." It wasn't until last spring, when Tony Covatta taught a Learning in Retirement course on Shakespeare's so-called comedies, that I learned the context of the quotation. In Loves Labours Lost, a bunch of silly, late-teen-age boys, all of them well-to-do idlers, instantly experience roaring sexual attractions, one on one, to a group of young ladies who appear on the scene. The women prove to be too sensible and emotionally mature to reciprocate. At one point, the males write futile sonnets to their would-be conquests, sonnets which Shakespeare has them read aloud. As they finish reading, an absent member of the group shows up, sonnet in hand. As he approaches, somebody says, Here comes one with a paper; God give him grace to groan, i.e. commiserate with them in their frustration.

That original context for the Club's motto is probably better suppressed than cited, given the sorry status the words have in the play and the noble status they enjoy for us. But there is something to be said for remembering the succeeding line, God give him grace to groan. "Groan" is not the right term, however. Until we got the PA system, the relevant assertion was: Here comes one with a paper; God give him grace to read loudly. That problem is artificially taken care of. Now the phrase must go: God give him grace to enunciate distinctly. It is not uncommon for a paper to be lost to the audience because the reader lets his tongue and teeth droop over consonants and his lips and jaw treat vowels with indifference. The result is a stream of incomprehensible sound resembling the passing of traffic on a busy street. Perhaps we should adopt the preparation method of the most renowned of Greek orators, Demosthenes. He practiced giving his speeches aloud with pebbles in his mouth. We could use small radishes instead of pebbles.

That completes my complaining for the evening.

What I have been calling the Club motto, the words on the wall above me, are not the Club's heraldic maxim which appears on the Club's coat of arms. I wonder how many of those present could tell me what words are incorporated there; or, for that matter, how many could describe any detail of the shield. The words in question are: *Luceat Lux Vestra*, Let your light shine forth. The rest of my remarks are an attempt to answer the question, what ought to be the nature of that light.

The discussion will be a little bit philosophical. Over the years, I have contributed three philosophically oriented papers. Fortunately, all three were budget papers, for all three were politely received duds. In using a bit of philosophy again, I am

going to disregard what is obviously a well confirmed cause and effect relation. Maybe if you partook of the after dinner brandy, my remarks will seem less dud-like than in the past.

A year or so ago, I asked Gordon Christenson how the concept of natural law is used in legal philosophy. I guess that that is somewhat like inquiring of a person who teaches philosophy, what is existentialism. An even approximately adequate answer involves a lot of background information, which the responder struggles to condense into a few sentences that he is pretty sure will be only vaguely understood by the questioner. Gordon did considerably better than I would have had our roles been reversed. And he referred me to an introductory book on the philosophy of law. I borrowed it from the UC Law Library along with another book by the same author on the history of legal philosophy. What I got from those books is all I know about jurisprudence. Therefore, I am going to talk about it for awhile.

The aspect of what I read that struck me most was that the author almost always refers to “the law” rather than to the laws. The singular “the law” suggests that the law is in some important way a unified whole. By some factor, the laws are merged together into the law. The concept involved, of unitary wholes of self-subsistent parts, is one of the oldest subjects of inquiry in western philosophy and is the source of half of the traditional philosophical questions. We are familiar with the notion in the ideas of a person, a nation, and the Literary Club, all of which we do not conceive as mere collections of parts, but as unities of parts.

The immediate philosophical question is, what creates the unity. Philosophers of the law seem to give the centuries old answer. That there is a real something which, to borrow a term from Aristotle, can be called the essence of the law. The philosophical peculiarity of an essence is that it is a single thing present in many places at once. The essence of the law is one and pervades, or is present in, the individual laws. Its oneness is what makes a unified whole out of what would otherwise be a collection of separate entities. The word “essence” also conveys the notion that the essence constitutes the essential or defining nature of the law and hence of the laws. The whole conceptual apparatus of unification by essence is used elsewhere. In the most familiar Aristotelian example, the essence which ties all the parts, mental and physical, into a human being has the name “rational animal” or “rational animality.” And a human being is essentially or basically a rational animal.

If there is such a thing as an essence, the next question is, what sort of thing is it metaphysically. There have been a number of answers among philosophers, the details of which I don’t need to go into, though I will mention the main metaphysical views with respect to the human essence. For Aristotle, the thing called “rational animality” was a Platonic form brought down from the Platonic heaven and inserted into objects of this world—if that makes any sense to you. For more religiously inclined thinkers, including contemporary anti-abortionists, the human essence is a soul. For geneticists, the human essence is a structure which is being mapped in the human genome project.

My subject at the moment is not human beings, however, but the law. So I will ask, what is the essence of the law? One common answer is that the law is the command of the sovereign. That is, the essence of the law is its origin in a particular kind of action. I gathered from what I read that, for most philosophers of law, however, the essence of the law is most closely akin to an idea rather than an action. Some central idea pervades the law. A bit more romantically one might refer to the essence of the law as a spirit, or its spirit. Thus, we could speak of *The Spirit of the Laws*.

Next question: How does one find out what the central idea of the law is? One way would be to analyze all of the laws currently on the books and extract what central idea they embody. The idea, if there is one, will probably take the form of some central purpose which they all serve one way or another. Maybe that extraction process will work, but what if the law as an historic entity is unified by some idea or purpose which the laws currently on the books don't clearly serve? Merely to entertain that question, as jurisprudence seems to have done, is metaphysically to transform the essence of the law into something independent of what actually exists legally.

But not yet independent of what has existed. If one can establish that there has been a long and continuous legal history, then the essence of the law will exist within that tradition. It will manifest itself as a theme running through the history, exemplified more or less well in the laws of particular times and places. To accommodate that possibility, philosophers of law have argued for a continuous legal development stretching from Roman law of the high empire down through all western laws of the present day. Or, alternatively and usually additively, there is a continuous legal development beginning in ancient German tribal law. Sometimes to those is added another continuous development starting with the laws of the Britonic villages in England, codified by the court system of Henry II, and eventually called English Common Law. Extracting the idea which is the law's essence from one or a combination of those traditions is safer than starting with a collection of contemporary laws. Things average out over time.

That is the basic conceptual scheme which justifies using the phrase, the law, instead of the plural, the laws. Here is a bit of philosophical jargon. The conceptual scheme is a form of objective idealism; philosophers would say "objective idealism," if that weren't so vocally clumsy. Objective idealism is the doctrine that ideas are objects outside the mind. In the case at hand, ideas are objects which exist in and hold together the historic and contemporary laws, and thus exist outside the mind in legal history. I mentioned existentialism at the beginning of my remarks. Existentialism arose in reaction to objective idealism. Existentialism is the doctrine that there are no essences, only existents, i.e. existent individual things. In the present context, existentialism would say that there are only existent, or once existent, laws. There is no essence which ties them together into a unified whole. The phrase "the law" therefore doesn't refer to anything.

There seem to have been five candidates for what idea or purpose legal philosophers have held to be the essence of the law. The five are: security, maintaining morality, increasing individual freedom, maximizing individual choice, and

implementing what are now called human rights. For my purposes, mentioning those candidates is actually irrelevant, and I won't pursue the subject further.

My excursion into jurisprudence was designed to predispose you to two notions. The first is that the Literary Club has an essence and that its essence is what makes the Club into a unity. The second notion is that the essence is an idea, or better, an objective idea, which can be extracted from the history and present of the Club. The question then is, what is that idea.

Before turning to that, however, I want to reject two alternatives. The first alternative makes use of the fact that the Club is incorporated under the laws of Ohio. As a corporate entity, it is legally a single whole. The notion that the act of incorporation is what gives the Club unity is analogous to the view that laws are unified by originating the acts of command of a sovereign. For hard-minded realists, that is perhaps the only acceptable view. To me the incorporation origin of the Club unity suggest the picture of the Club is a single box into which meetings and members are dropped. I want something which unities those meetings and members that is more than being the same box together.

The second alternative I want to reject is that unity comes from the customs and traditions of the Club. A possible argument that they do is something like the following. We cannot admit women because the Club is traditionally male only. If women were admitted, the organization would no longer be the Literary Club. It's essence would be changed, though the name would remain the same. That's the argument. It's assumed premise is that traditions, or at least certain basic traditions, constitute the essence of the Club.

(I hasten to interject parenthetically, for anyone who has just stiffened in apprehension or nascent hope, that I am not in favor of admitting women, and I am not going to raise that frightening issue during my term in office. Perhaps its time will come when 90% of the Club members will have been born after about 1965 and feel only the mores of educated society since then.)

The notion that the essence of the Club consists in its customs and traditions is not a bad view. But I think it ultimately won't work. Customs and traditions have changed. John Diehl's papers on the early years of the Club show clearly that the customs of those days, and the traditions if there were any had little or nothing in common with ours, other than the all-male membership. Hence, the essence must be something else.

So back to my theme that the essence is an idea. I suggest, however, that it is not a single idea, but a combination of three. I get the number three from the Club's coat of arms. Besides the heraldic maxim, the coat of arms consists of a shield upon which is centered a single chevron. On the sides and in the crook of the chevron appear three torches. There's the number three. I hypothesize, or is it that I romanticize, that those torches represent the light referred to in the maxim; and that they symbolize three ideas

which together constitute the essence of the Club. It is the light of those ideas which envelopes all of us and combines us into a unified whole.

What ideas do the torches represent? Two are easy to extract from the history and present of the Club, namely authorship and fellowship. Not only are authorship and fellowship constantly present historically, but it is inconceivable that the Club exist without them.

The third torch is harder to decipher. But some thought reveals that it symbolizes honor. It is part of the essence of the Club for the brightness of honor to rest upon paper readers. In one perspective, the honor is for the day. But in another way, it is permanent. Beyond the day, we continuously honor each other for being writers and for being us, authors and fellows all.

Thus I come to an end. My thought for the evening is that the essence and unifying force of the Literary Club is the triple idea of authorship, fellowship, and honor. The idea exists objectively in the history and present of the Club. It is that triple idea which the heraldic maxim enjoins each member to let shine forth as his light. By our doing so, the idea will, as it has in the past, maintain and be the Club's life for generations of members and uncountable years yet to come.

---