LEADERSHIP: BY WHAT AUTHORITY?*

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In the waning days of medieval history, Englishmen gave great attention to the precise ordering of relationships between crown and community because of fears that overbearing monarchs were threatening their rights as free people. So it was that barons maneuvered to wrest pledges from the king not to tax without parliamentary approval or to interfere with their personal freedoms. Brooking no interference in their private lives, they sought to erect protective walls through a famous writ called quo warranto, which required officials to show by what authority they held a public office or performed a duty.

In a very real sense, each new generation issues its own quo warranto writs on those who had, or have, power in their society. Challenged are established values, the utility of major political and economic institutions, and the acceptability of certain roles within these institutions. At issue in every case is the question of legitimacy, always an important domestic challenge facing democracies. Subsumed into the challenge are questions of tradition and of logic because practices are often continued without understanding the reasons which brought them into existence in the first place. Harvard's distinguished legal historian, Harold Berman, noted this in reference to the American legal system when he wrote:

If a sane man is convicted of murder and sentenced to death, and thereafter, before the sentence is carried out, he becomes insane, his execution will be postponed until he recovers his sanity. Generally speaking, this is the law in Western countries and in many non-Western countries as well. Why? The historical answer, in the West, is that if a man is executed while he is insane he will not have had the opportunity freely to confess his sins and to take the sacrament of Holy Communion. He must be allowed to recover his sanity before he dies so that his soul will not be condemned to eternal hellfire but will instead have the opportunity to expiate his sins in purgatory and ultimately, at the Last Judgment, to enter the Kingdom of Heaven. But where none of this is believed, why keep the insane man alive until he recovers, and then kill him?

This is only one of a barrage of quo warranto writs being fired at the legal profession—and when the Law is troubled, other basic institutions are vexed because they, like the Law, ultimately derive their legitimacies from moral sources. To assess

where American institutions are positioned requires theoretical analysis; and that, in turn, conjures up the rather painful reminder that “theories are intellectual conceits [and] none is adequate to explain the fearful volume and complexity of events.” J. H. Newman put the matter well in warning scholars “how little syllogisms have to do with the formation of opinion; how little depends upon inferential proofs; and how much upon those pre-existing beliefs and views, in which men either already agree with each other or hopelessly differ, before they begin to dispute, and which are hidden deep in their nature or, it may be, in personal peculiarities.” Despite the difficulties occasioned by bias or ideological preferences, conceptual windows and mirrors can both be used to outline what contemporary America is—and is not. Since first impressions often make lasting impressions, it is useful to put them to a more critical test.

The American Dream—or Nightmare?

Since its founding, foreigners have peered so often through this nation’s windows to see what the new land and its people were like that it has become commonplace to believe that what was seen and reported actually profiled reality. The country’s past partially explains present obsessions—certainly among intellectuals—over what others see in us and say of us. Nothing seems more propulsive of insiders’ examinations than outsiders’ appraisals. Yet so often has appraisal become harsh criticism that hostility to the United States has become a staple among foreign intellectual elites. However, if the critic’s reputation is limited to select circles, the attack is usually ignored. Very few Americans, for example, worry over the ritual denunciations made by writers like Chilean poet Pablo Neruda (who, incidentally, never renounced his loyalty to communism even after the exposure of Stalin’s terror), or even Colombia’s Nobel laureate, Gabriel Garcia Marquez, or Argentina’s brilliant Julio Cortázar. But if the attack comes from someone like Aleksandr Solzhenitsyn or Mexico’s famous poet and distinguished diplomat, Octavio Paz, ears open quickly. The former shook Americans when he berated them for having lost all sense of commitment to the values on which their nation was founded. Sharing the Russian’s view, Paz wrote that the United States “is disunited, repeatedly torn apart by dissensions that do not have the least element of grandeur, eaten away by doubt, undermined by a suicidal hedonism, dazed by the ranting of demagogues. It is a society divided, not so much vertically as horizontally, by the clash of tremendous selfish interests: great corporations, labor unions, the farm bloc, bankers, ethnic groups, the powerful communications industry.”

Precisely at the point where indignation is about to explode at foreigners whose own national houses are in disarray, native voices howl the same lamentation. The highly respected former diplomat, George Kennan, thought it grotesque to spend enormous energy opposing a much-weakened Soviet Russia in order to save a West honeycombed with bewilderment and a profound sense of internal decay: “Show me first an America which has successfully coped with the problems of crime, drugs, deteriorating educational standards, urban decay, pornography, and decadence of one sort or another—show me an America that has pulled itself together and is what it ought to be, then I will tell you how we are going to defend ourselves from the Russians.” Cultural historian Christopher Lasch indicted bourgeois societies everywhere for having lost the capacity to confront difficulties which threaten to overwhelm them: “The political crisis of capitalism reflects a general crisis of Western culture, which reveals