

## **SOCIAL HAVOC and the Adversary Presumption**

Rooted as it is in the heritage of European nationalism (racism, feudalism) and theocratic paternalism, Dr. Martin Luther King called American Democracy "anemic"; he also might have called it *cannibalistic*. Acculturated American Democracy's consumerist mind stands the golden rule on its head. The freedom to profiteer is consumerism's Holy Grail whose justification sounds in a distortion of the golden rule: "*Do it unto others before they do it unto you*". The "it" refers to self-advantaging and the disadvantaging of others. The exploitative mind behind self-advantaging puts every person in a distrustful relationship with every other. As a point of fact, distrust is the working presumption underpinning the philosophy of American consumerism.

The presumption of distrust roots in Judeo-Christian tradition. Christian Theology and Western Jurisprudence have evolved on a common, one-sided presumption, namely, on the mortal disabling of humankind by original sin, causing individuals and humankind collectively to be incapable of self-perfecting and self-rule. One is taught to distrust oneself. This controlling negativity (of human untrustworthiness) discredits the essential goodness God pronounced on creation. While humans are inclined to sin, they also carry in their consciousness redeeming virtues that enable goodness. The imbalance of absolutized negativity (original sin) without the positive offset of "original grace" has had a socially degrading effect. It suppresses original grace. People can be nurtured to grow in trust even as they have been to distrust. If societies would consciously cultivate the grace of personal goodness, people might come to be more trusting and trustworthy.

Social status is characterized by personal use and control of resources. People are class structured along lines of resource access (rich or poor) and use. When greed overwhelms need as the motive governing resource control/ use, contention and violence are fomented. Historically, cultures have been preoccupied with contentiousness and violence because appetites of greed rather than need have been cultivated. Global societies are now mortally threatened because of the mortal waste that has visited Earth.

Life resources are perceived as twofold, that is, material and spiritual. All Earth-life manifests both qualities. The common "spirituality" of matter is its potential (electron energy) for transformation, its quantum-electric, thermodynamic potential. This transformational potential is a "cosmic" resource that resides commonly, in diversified ways, in all substance of network life; its complexity (soul) varies with the complexity of molecular substances. The unity and continuity of spirit/ matter are such that the waste of one does not happen except with the waste of the other.

Humans cannot trash natural resources without trashing their own soul/ substance. American Jurisprudence, grounded in English Law, is structured on the *adversary presumption*, on the expectation that the testimony of opposing parties is weighted to self-advantage. Obviously, it is prudent for the Court to presume an adversary animus between parties; it does so, however, on the expectation that lawyers for the opposing parties, who are also Officers of the Court, will, in accord with commonsense, the law and facts, present the case of their clients truthfully before the Court. Thus, it is the intent of the Court, relying on the integrity of lawyers, to resolve disputes in a manner that is honest with the facts and that fosters public confidence and communal harmony; all the above, however, is frustrated when lawyers do not conduct themselves with integrity in their service to the Court.

In our times in America, it is generally believed that Courts do not dispense justice, that lawyers are not honest before the Court and that people are fool-hardy to expect justice from the process of law. To understand this public state of mind it must be realized that lawyers are acculturated in the consumerist philosophy of putting self-advantage first. Lawyering is perceived by students of law to be a "growth industry" precisely because the American business philosophy (the presumption of distrust) sanctions commercialized lawyering, that is, *lawyering for profit* any way profit can be gotten. To put it bluntly, the Court and the public have been prostituted by the process of law. Lawyers sell their services to corporate greed; it matters little to them on which side of corporate litigation they argue for they are assured bigger personal benefit the bigger the corporate interest.

Social havoc results from the fact that Courts, because of greed-motives of Officers of the Court are used by lawyers to foment distrust, vitiate the legal process and defraud common wellbeing. The conduct of lawyers as Officers of the Court, as advocates for the adversary presumption, as politicizers of greed, has not only poisoned the process of law but also American democratic government.

Citizens are now cynical toward and angry with all branches of government because of the lawyering poison contaminating them. In the summer of 1998 American Democracy was made the unwanted witness and victim of broad-spectrum, lawyerly dishonesty that involved the President of the United States.

Destructive lawyering motivated in adversarial politics, and funded involuntarily by the American taxpayer, gripped the citadel of the U.S. Federal Government around matters of President Clinton's admitted sexual wrongdoings. Behind the pretentious guise of the letter of the law, political partisans and media pundits were emboldened to step forward and cast their judgment stones, even though the public perceives them to be no more honorable than the President. The public is rightly angered by the insult and injury it suffers at the hands of hypocritical, untrustworthy partisan zealots. An urgent question raised by the impeachment charade is: what child does the marriage of literal legalism and fideistic absolutism produce? a theocratic cannibal. The fideistic absolutizing of the adversary presumption of law radically frustrates democratic government; the radical politicizing of adversarial parties creates a frustrated body politic. [I have personally experienced more than my deserved share of injury and frustration in Courts of Law.]

In his essay "On Legal Practice and Education at the Present Time", Law Professor William T. Braithwaite\* observes that students of law (himself included) are taught from the beginning to operate by the commercial rules of prostitutes, that is, to withhold services until "the money appears". (pg 58) First and foremost, law students are schooled in commercial consumerism. Perhaps society is justified in its belief that lawyers (some of whom are politically advanced and appointed to be judges) are a self-serving class of professional pimps. Because the process of law advocates (exemplifies) distrust, social ethics is a value lost on the judicial system. In the Epilogue to his article, Professor Braithwaite concludes that American law has to find "**a new and better anchor**". [Emphasis added] If it fails, it increases its participation in divisive, social contentiousness. [William T. Braithwaite, "On Legal Practice and Education at the Present Time", 1989 GREAT IDEAS TODAY, Encyclopedia Britannica, Inc., 1989, pp 44-100]

The present anchor dragging down American Jurisprudence and Democracy is the politicized sanctioning of the *presumption of distrust*. Religion like government is an essential component of civil society; they both reside in the same venue, in the body

politic from which they originate and which authenticates them. Institutional usurpations of authenticity belonging to the body politic have occurred through history. Institutions of government and church have "ordained" their preferred bureaucracies. These are power-controlling, hierarchical oligarchies which arrogate the authority of the people to themselves. These become the "professionals" (clerks: *clerics*) who are dedicated to the institutions and who lose sight of the fact that the purpose of institutions is to serve public wellbeing. Much of the philosophy incorporated in the American Constitution is imported from Europe; as such it is less than perfect because it yet presumes certain old-world assumptions which are unsuited for today's global context, e.g., patriarchal (sexist) absolutism adversarially structured, and corporate feudalism.

Roman-characterized Catholic religion some 700 years ago began to direct its service obligation away from the populace and toward institutions of power; it came to be identified with monarchies and their expansionist ambitions. Church, like government, became mercantile and came to be associated with despotic feudalism and colonialism. European feudalism/ colonialism survive in the exploitive consumerism of American corporatism. Corporate resource-control/ use yet subserves European/ American feudal/ colonial philosophy. So long as religion and government artificially cleave spirit and matter for public control purposes, the people and Earth continue to be devastated by the consumptive appetites of exploitive institutions. In the global trashing of Earth-life equal credit can be given to the institutions of church and government. Pope John XXIII convened the Second Vatican Council to liberate Catholicism from old world despotism; liberation is an unfinished work.

The acculturated embrace of *the adversary presumption* serves to destroy trust and thereby to frustrate the emergence of a trustful society. From birth people are indoctrinated to distrust themselves, and, logically, others. Needed is the balanced harmony of *presumptive collaboration* to offset the disharmony of *presumptive antagonism*. Needed is a new worldview to replace the old. So where can the paradigm (model) be found which might serve to redirect societies on a course of true public empowerment, that is, toward the sustainable distribution of wealth to serve collective need and away from corporate greed? The paradigm is symbiotic nature.

Continuity wisdom grounded in the quantum-electric dynamics of cosmic transformation is instructive as to cause of societal havoc and remedies. In cosmic transformation, the imbalances of electrical polarities serve to mediate hyped charges by dissipating potentials in new quantum-electric arrangements, namely, in new liaisons of atoms and molecules. The symbiotic equilibration of polarities avoids the havoc of hyper-charges. Distrust, isolation, closed-ness are polarities that block leveling of social fixes. Symbiotic action can mitigate damaging polarities. The static-centrist worldview is accountable for fathering the presently hyper-charged predicament. Needed is the ushering out of the static-centrist worldview and the ushering-in of the transformational worldview; communal priority needs to replace dominion and corporate profiteering.

Feudalist corporatism works against people (communal) empowerment. Social justice isn't possible except with people-empowerment; not an empowerment that makes people fodder for institutional consumerism, but, which recognizes the common right-of-birth to resource access and use; not to ingratiate greed, but to satisfy essential need.

As the ordained clergy is corporate religion's bureaucracy dispensing Earth-life's *spiritual* "grace", so governmental bureaucracies corporately control the dispensation of *material*

"grace"— the dominion model. Church hierarchy is the corporate bureaucracy in spiritual control even as *officers of the Court* exercise material control. These adversarial control-bureaucracies violate the vital unity of energy/ matter, and in so doing, impose inevitable havoc. The dominating activity of lawyers in the legislative, judicial and executive branches of government contributes to the colossal waste of people and resources. The professional corruption of lawyers as eager advocates on either side of a dispute in the control/ use of resources radically does violence to the commonweal in essentially critical matters. The real "professionals" skilled in the fine points of word manipulation, evasions and half-truths are lawyers; their profession, the writing of laws and the prosecution of them on the people, plays on nuances of word meanings, and is perhaps the most distrusted of all professions for its too obvious manipulation of the truth and its outright distortion of the common sense of word-meanings. Lawyer control in two-party politics is not people friendly: it is professionally self-serving and destructive of political harmony and wellbeing.

Distrustful behavior is everyday fare; individually, we are targets of distrust as well as perpetrators of it. Lying is the most general form of distrustful conduct. Deception comes in degrees, in matters trivial and urgent. Lying is too often maliciously deceitful in intent, but sometimes less blatant. It occurs in one-on-one relationships; it occurs corporately, in advertising, in government, in business, in education and in religious institutions. It occurs for reasons of personal and institutional advantage. A root-reality is that every decision is ambiguous, i.e., has good and bad consequences. "Truth" is in perception. Politicians, elected officials and public employees, corporate officers and religious leaders render "truth" as they see it—qualified by non-objective, personal biases.

Lingering cultural traditions that hallow false presumptions, based on ignorance and misinformation, are perhaps even more insidious than ordinary, everyday lies because they continue to imprison peoples' minds and control their habits of living on false presumptions of misinformed belief. From today's perspective, the evidence suggests that the Church's dogma of original sin negating human goodness has served to erode personal, communal health (*sanitas*). Human psychology now knows that except individuals possess a healthy self-reliance (*self-trust*) they do not contribute reciprocally to communal trust. A syllogism serves to support the fact:

If one does not trust oneself, one will not trust others;  
If one does not trust others, others will not trust him/ her;  
therefore, if one does not trust oneself, others will not trust him/ her and distrust will socially prevail.

In like manner, it can be argued that the process whereby trust is lost serves in reverse to substantiate how trust can be gained:

If one trusts oneself, one will tend to trust others;  
If one trusts others, others will come to trust him/ her;  
therefore, if one trusts oneself, others will trust him/ her.

A religion that works to destroy self-trust is a religion that destroys personal/ communal health (unhealthiness is "*insanitas*"). When people learn to trust themselves because of God-given authenticity, they are enabled to trust others for the reason of others' personal authenticity. Rooted in St. Augustine's original sin theology, himself a longtime Manicheist, Tridentine Catholicism clings to *orthodox* black and white divisions, divided body/

soul and the dualistic culture of evil materiality and holy spirituality. Static-centrist religion has forfeited claim on public trust because of its persisting culture of distrust.

More than apologies are needed for Church's distrustful participation in the Crusades, in the Spanish/ Roman Inquisitions, in global colonialism, in vilifying Jews for "killing God", in the alienation of women and abuses of children; nothing less than turning away from the dominion theology of patriarchy is needed.

Civil religion and government need to "find a new and better anchor"; why not the one which Jesus proposed, namely, "*to love one another*" and *to trust one another*? Trust is a consequence of love even as love is of trust. Only in the dispensation of love/ trust are justice and communal harmony possible. Love eschews greed but is solicitous to every need. This is what Church and governments should be about. This is what symbiosis, ecozoic sacrament, the sustaining word/ work of Earth-life is about.

<http://www.evolution101.org/2000%20A%20SUMMARY%20PREVISION%20toward%20Global%20Revitalization.pdf>, pp 11-16