

Mimetic Morphs 6 : Time Column One

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Dedicated to Berengar of Tours (0999-1088), Jan Hüß (1369-1415),
& Hugo Grotius (1583-1645)

“Legitimacy is conditioned on performance” (Fukuyama 2011: 481)

6.1 The Target

In the Mimetic Morphs series, Time Column One first integrates the 2014 ‘Zetsubo no Saibansho’ (Courts Without Hope, Hiroshi Sega) and the 2013 ‘Divorce Corp’ (Director Joseph Sorge), the former from a paddy rice culture, and the second from a wheat culture, into a synchronic data package to demonstrate that the cohesive culture of the dark Court overcomes the agricultural, cultural, psychological, and social differences between Asia and the West. Then, switching from the synchronic x-axis to the diachronic y-axis, Time Column One interpolates the bundled Sega-Sorge Data Package down the staircase of 5000 years of historical observations on the dark world of the Court Society. This interpolation and interleaving of the Eastern Sega and the Western Sorge down the Time Column creates a Saussurean Stack, which is the binning, boxing, layering, stacking, tabbing, tagging, tiling, and tupling of synchronic data into a diachronic data framework.

6.2 Clearing The Decks

‘Large-Scale Psychological Differences Within China Explained by Rice Versus Wheat Agriculture’ (Talhelm et al. 2014) compares the long list of differences between Asian and European cultures, discards the modernization hypothesis, and suggests that large-scale psychological differences within China are better explained by rice versus wheat agriculture. The Talhelm team suggests that the actions, customs, habits, methods, and practices behind rice and wheat production are the drivers to cultural, psychological, and social differences, e.g., paddy rice involves large community projects thereby fostering cooperation whereas wheat farming being far less labour and less large-scale project intensive fosters independence and individuality.

The Court, like paddy rice and wheat production, is an economic system. Thus, the large-scale psychological differences alleged between Asian and European cultures may not exist between Asian and European Courts because the Court, being an economic system, would converge, fuse, merge, and obliterate cultural, psychological, religious, and social differences to serve the Court system. As Marshall McLuhan put it, ‘The medium is the message’. Or, as Mimetic Morphs 5 put it, there is only one Judicial Brain, the Judicial Brain being the cultural production of the economic system of the Court, just as paddy rice and wheat are the production of agricultural systems. For, just as the ‘cultural thought style’ of rice culture produces a legacy of collectivism, interdependence, loyalty, nepotism, and holism and of wheat culture produces a legacy of creativity, inventiveness, novelty, and violence, it is possible the ‘cultural thought style’ of the Court produces the legacy of behavior described by Hiroshi Segal in his ‘Zetsubo no Saibansho’ (Courts Without Hope 2014) and by Joseph Sorge in his 2013 ‘Divorce Corp’.

This hypothesis, i.e., all Courts are dark, can be tested by first bundling ‘Zetsubo no Saibansho’ (Hiroshi Segal 2014) and ‘Divorce Corp’ (Joseph Sorge 2013), into one data package. For first, if all Courts are dark synchronically, then Asian and American cultural, psychological, religious, and social differences would be dissolved by the convergence of the Court upon the dark world described by Balzac, Chandler, Berman, and Girard: second, if all Courts are dark diachronically, then it should be possible to interpolate the integrated synchronic Segal-Sorge data package down a time column and tab, tag, tile, and tuple it anywhere in the time column.

6.3 Framing the Field

Continuing our hardboiled investigation into extreme ideologies - where the streets are darker with something more than night, where justice and truth do not out, the law is manipulated for power and profit, and the “less than fragrant world where gangsters rule nations (Chandler 1950, 1953) and where Justice institutions are driven by the ‘climate’ and ‘political economy of trauma’ (James 2010), ‘Zetsubo no Saibansho’ (Hiroshi Segal, 2014) and ‘Divorce Corp’ (Joseph Sorge 2013) provide two synchronic Asian and American examples of the Court where Court extreme ideology dissolves cultural, psychological, religious, and social differences.

Multilateral comparison, a method of mass comparison developed by Joseph Greenberg (1915 – 2001), anthropologist, code breaker, and Stanford University professor, is an x-axis (horizontal) approach to the chaos, order, and standardization found between a number of disparate language groups. By contrast, first known as historical linguistics, then paleolinguistics, multi-temporal comparison is mass comparison on the y-axis (vertical) where researchers are sometimes described as “long-rangers”.

Time Columns are first described in *Troisieme Cours de Linguistic Generale* (1910 – 1911) (Komatsu &

Harris 1993) d'après les cahiers of d'Emile Constantin at the end of the 15 November 1910 seminar of Ferdinand de Saussure because “We need the depth too, the other dimension’, i.e., the time projection. Saussure rejected ‘Institutions’ and the ‘time projection’ to focus on the x-axis approach. However, it is Saussure who in his 4 November 1910 seminar drew attention to legal institutions, rituals, social psychology, and the ‘collaboration of all the individuals involved’; in his 15 November 1910 introduced Cartesian space time coordinates; in his 18 November 1910 introduced linguistic layering; in his 22 and 25 November 1910 seminars introduced linguistic waves; and in his 29 November 1910 seminar introduced the linguistic tesseract.

A recent example of multi-temporal comparison has been provided by ‘Anatomy of Scientific Evolution’ (Jinhyuk Yun and Hawoong Jeong of the Korea Advanced Institute of Science and Technology and Pan-Jun Kim of the Asia Pacific Center for Theoretical Physics 2014) which employed the Google Books Corpus, a publicly accessible database including 8 million books, ~6% of all the books ever printed between 1506 and 2008.

6.4 The Data Package

‘Zetsubo no Saibansho’ (Courts Without Hope 2014), by Hiroshi Sega, Professor at Meiji University of Law, and a professional Judge for thirty years (The Japan Times, 1 May 2014, Page 3, ‘Ex-judge lifts lid on Japan’s corrupt judicial system’), and ‘Divorce Corp’, the 2013 documentary film by Director Joe Sorge that exposes Court practices within the U.S. family law industry, provide two cross-cultural synchronic evaluations of the Court Society that reach similar conclusions.

6.4.1 Zetsubo no Saibansho

Zetsubo no Saibansho provides a burning, insightful and searing whistle-blowing (Alford 2001; Joy 2010; Zerubavel 2006) criticism of the modern Court Society in Japan from the perspective of a Judge who served in the Japanese Court system for thirty years. Written by an insider, by a practitioner, and by one who has boldly rejected the Japanese Judicial System, Courts Without Hope constitutes an excellent cross-cultural comparison with Mimetic Morphs 1-5 which focused on the Gold Card British Court system and came to a similar conclusion as that of Hiroshi Sega, i.e., Courts are without hope.

Unlike the conclusions of MM 1-5, Hiroshi Sega remains optimistic, concluding in Courts Without Hope that the Japanese Judicial System could be improved by “following the example of nations such as the United States and Britain where judges are recruited from a pool of experienced lawyers and other outside legal experts. ‘Truly good lawyers are more likely to be genuinely concerned about the feelings of litigants and able to respect their human rights’” (Tomohiro Osaki, Japan Times, 1 May 2014, Page 3). Unfortunately,

this is not true. The experience of nations such as the United States and Britain with Courts and lawyers turns up exactly the same data as observed by Hiroshi Segal in Japan, e.g., “bureaucratic elite, colluding, corrupt, declining morality, dogged, extremely sheltered, full of blind subservience, heavily biased, machinating, moral turpitude, obscenity, sexual harassment, sheltered environment, strict hierarchies, and unprofessional”. Courts are without hope, they represent a relic cultural thought style’ from a feudal theological system that has outlasted its expiry date.

6.4.2 Divorce Corp

‘Divorce Corp’, the 2013 documentary film by Director Joseph Sorge, paints a picture of the Court just as bleak as that of Hiroshi Segal except the Court system portrayed by Joe Sorge contains lawyers. A quick Google trawl of the Paul Raeburn HUFF POST Blog 17 May 2014, the Rotten Tomatoes website, and the Wikipedia film review of Divorce Corp produces a mash-up of (A) “the film creates a powerful impression of a justice system run amok”; the depiction of lawlessness in the family courts; the lack of oversight”; (B) ‘exposing the practices within the U.S. family law industry’; (C) ‘showing family courts as being unregulated, extra-constitutional fiefdoms, where children are torn from their homes, unlicensed custody evaluators extort money, and abusive judges play god with people’s lives while enriching their friends; (D) Rather than help victims of crimes, these courts often create them. And rather than help families move on, these courts drag out cases for years, ultimately resulting in a rash of social ills including home foreclosure, bankruptcy, suicide and violence’. It is ‘because (1) good intentions run amok, (2) misplaced finances, (3) cronyism, and (4) lacking checks and balances, family courts are corrupted, serving the local legal community instead of the people”.

On Free Domain Radio interviewed by Stefan Molyneux, Joseph Sorge describes the Court as ‘carrot and stick’; ‘collusion between players’; ‘dysfunctional’; ‘emotionally brutal’; ‘financial exploitation’; ‘hubris’; ‘human livestock’; ‘never ending shakedown’; ‘no Rule of Law’; no Presumption of Innocence’; ‘nuclear hole’; ‘predatory relationship’; ‘private tax’; ‘pushed up against the cheese grater’; ‘vengeful’; ‘unilateral’; ‘unlimited power’; and cites Charles Dickens, ‘The business of law is to make business for itself’.

6.4.3 Segal-Sorge Data Package

The bundled Segal-Sorge Data Package provides a picture of the Court as a dark place, e.g., ‘amok; biased; colluding; corrupt; cronyism; extra-constitutional fiefdoms; Gods; lacking checks and balances; privilege; self-serving; source of social damage, harm, injury; unprofessional. Is it that ‘Power corrupts and absolute power corrupts absolutely’ or does the synchronic cross-cultural Segal-Sorge Data Package indicate more than this?

In the West, all Courts originate in religion, the supernatural, and theology with the licence to be a Judge being a sacred office ordained by God. The Judge is the arm ear, eye, and voice of God. This is why in the West, “All Courts are white”. However, if the basic premise is incorrect, then all legitimacy and validation to be white vanishes.

James Buchanan (1919-2013), the Nobel Economics Prize Winner 1986 well known for his work on public choice theory (Wikipedia), puts it plainly, ‘Institutions serve the self-interests of the players in the institution rather than their legislative function’. In other words, the Judicial Brain serves the self-interests of the players in the Court institution.

In ‘Democratic Insecurities’ (2010), James writes of institutions driven by a “climate of violence” and of the “political economy of trauma’ for the purposes of profit.

Could the Segal-Sorge Data Package be showing us, “All Courts are black”?

How could we answer this question?

6.5 Attractor Theory

Attractor theory describes an attractor as a set of physical properties toward which a system tends to evolve, regardless of the starting conditions of the system with the four attractors being (1) Fixed Point; Limit Cycle; Limit Torus; and Strange Attractor. Now, if profit and self-interest are the driving force of the Court, and not the white-bearded gentleman parked offstage, and there is no dampener, then the dark world of the Court may be the natural limit set of the Court, i.e., the basin of attraction and the phase space of the Court produces the typical behavior converging on “All Courts are black”.

The Court Society claims to be insulated and isolated from government, reality, and society with ‘autonomous’ and ‘independent’ being two popular Court dogma. Taking these tropes at face value, i.e., an isolated system, means that we can equate the Court Society, from its own tropes, to a closed, isolated system with one limit cycle, i.e., black.

How could we test this hypothesis?

6.6 History as a Data Bank

Large-scale paddy rice production produces a set of common characteristics termed Asian; large-scale wheat production produces a set of common characteristics termed Western; and large scale Court

production produces a set of common characteristics termed black or dark. These common characteristics are a mapping to itself of the function or transformation of the economic system.

“In the new era of high performance data where all facets of science are becoming digital, linked, and increasingly interoperable, activities targeted at rescuing and preserving research data, highlights the importance and need for us to reach back into the dark places where valuable, but vulnerable, research data exists and to bring it into the light where it can be applied to scientific problems that were not even conceived when the data was originally acquired” (Matthew Purss, Project Leader, Data Cube Technologies Project at Geoscience Australia, 2013, acquired by RANDY SHOWSTACK, Staff Writer, Elsevier Research Data Services, <http://researchdata.elsevier.com/datachallenge>).

The hypothesis as to whether the convergence of all Courts is towards the black can be tested by reaching back into the dark places where valuable, but vulnerable, research data exists and to bring it into the light where it can be applied to scientific problems that were not even conceived when the data was originally acquired. This is what Jinhyuk Yun and Hawoong Jeong of the Korea Advanced Institute of Science and Technology and Pan-Jun Kim of the Asia Pacific Center for Theoretical Physics have done in their ‘Anatomy of Scientific Evolution’ (2014). This what we can do although our approach must necessarily be analogue, not digital as in ‘Anatomy of Scientific Evolution’ (2014).

Thus, we intend to interpolate the Sega-Sorge Data Package down into the dark places of the Ferdinand de Saussure 15 November 1910 Time Columns first described in *Troisieme Cours de Linguistic Generale* (1910–1911) (Komatsu & Harris 1993) d’apres les cahiers of d’Emile Constantin. Ferdinand de Saussure used the 4D Tesseract (29 November 1910) to demonstrate chaos in language, an exciting new development in 1910 thanks to Henri Poincaré. However, we intend to employ Saussure’s 4D Tesseract to demonstrate the force promoting linguistic unification, not for languages per se but for linguistically driven customs and practices in the Court Society. For disregarding the ‘particularizing force’ and ‘differentiating effects’ and focusing on ‘isoglossematic bands’ (linguistic waves), i.e., ‘lines accumulate only in certain places’ (Ibid 28), Saussure stated, ‘Even over such a wide expanse such as Indo-European there are isoglossematic waves flowing over a series of languages’ (Ibid 30). Thus, if this is true over time for Indo-European, and Saussure was one of the great Indo-European scholars, then, the projection in time should not only hold true for the series of smaller Court Societies but the isoglossematic waves there should also be more compressed, conservative, and self-evident.

In Wellentheorie Johannes Schmidt (1877) proposed radiating waves but we prefer ‘standing waves’ or ‘wave trains’ to explain the ‘isoglossematic bands’, which is how Saussure would have explained the common characteristics produced by large scale paddy rice and wheat production. ‘Standing’ or ‘wave trains’ is how we would describe the common characteristics produced by large-scale paddy rice and

wheat production.

6.7 The Diachronic Context

The observations made by Hiroshi Segal in 'Zetsubo no Saibansho' and by Joseph Sorge in 'Divorce Corp' have been made about the Court Society for 5000 years. For Mimetic Morphs – an analogue "long-ranger" practising mass matrix comparison - the Segal-Sorge Data Package provides an excellent opportunity to bin, box, layer, tab, tag, tile, and tuple an integrated Asian and American Court system across the European centuries and millennia in a Saussurean Time Column (Komatsu & Harris 1993).

6.7.1 England In The Nineteenth Century

Bentham, Jeremy *The Black Book: An Exposition of Abuses in Church and State*, London, 1835; Henry Brougham, *Sir Thomas Denman, W. Weston, Chancery Infamy; or a plea for an Anti-Chancery League* (London: Effingham Wilson, 1850); Charles Dickens; and Hebert Spencer, *OVER-LEGALIZATION* (*The Westminster Review*, July 1853); and *Preparing for Fusion: Reforming the Nineteenth-Century Court of Chancery, Part II* (Lobban, Michael) all document the situation in Nineteenth century England.

6.7.1.1 Jeremy Bentham

Judge-made law was a special target of Jeremy Bentham, which he described as made "Just as a man makes laws for his dog". He called "The 'tyranny of judge-made law, 'the most all-comprehensive, most grinding, and most crying of all grievances, 'scarcely less bad than priest-made religion'. As to legal fictions, according to Bentham, they were simply lies and the permission to use them is a 'mendacity licence'. Legal fiction to Bentham was a 'wart which here and there disfigured the face of justice. Specifically, Bentham stated that English law fiction is a syphilis which runs into every vein and carries into every part of the system the principle of rottenness, one might as well have a brothel owner be the head mistress of a girls' boarding school. The Judicial system for Bentham was a tacit partnership that he described as 'Judge and Co'. In this system, judges did not have to accept bribes because it was more profitable as well as safer for them to carry out a radically corrupt system. Gross corruption, fraud, extortion, obstruction, obscurantism, and the 'most accomplished indifference provided the foundations of this radically corrupt system. Bentham wrote the power of 'Judge and Co' came from monopoly and that all the abuses, cheating, chicanery, and swindling emanating from this monopoly was driven by private interest.

6.7.1.2 H. W. Weston

In 1850, H. W. Weston argued that reform could only be achieved by "bringing the evils of this Court continually before the public and showing up the abominations of the 'hydra-headed monster'" (Michael Lobban, *Law & History Review* 22.2, Summer 2004).

6.7.1.3 Hebert Spencer

"Questions – all of them raised by over-legislation – the justice question gets scarcely any attention; and we daily submit to be oppressed, cheated, robbed. This institution which should succor the man who has fallen among thieves, turns him over to solicitors, barristers, and a legion of law-officers; drains his purse for writs, briefs, affidavits, subpoenas, fees of all kinds and numerous expenses; involves him in the intricacies of common courts, chancery courts, suits, counter-suits, and appeals, and often ruins where it should aid (Spencer 1853: 272).

Does any one suppose that, if the efficient defence of person and property had been the constant subject matter of (legal reform), we should yet be waylaid by a Chancery Court which has more than two hundred millions (Pounds Sterling) in its clutches – which keeps suits pending fifty years until all the funds are gone in fees – which swallows in costs two million annually? (Spencer 1853: 272).

Does any one dare assert that based on principles of law reform, the...Courts could have continued for centuries fattening on the goods of widows and orphans. The questions are next to absurd (Spencer 1853: 272).

...with the general knowledge people have of legal corruptions and the universal detestation of legal atrocities, and end would long have been put to them, had the administration of justice had always been the political topic (Spencer 1853: 273).

Were the State confined to its defensive and judicial functions, not only the people but the legislators themselves would agitate against abuses (Spencer 1853: 273).

The complicated follies of our legal verbiage, which the uninitiated cannot understand and which the initiated interpret in various senses, would be quickly put an end to (Spencer 1853: 273).

(Legal Reform) would cease the corruptions, follies, and terrors of law, and that which men now shrink from as an enemy they would come to regard as what it purports to be – a friend (Spencer 1853: 274).

How vast then is this negative energy...entailed upon us?...How many are the grievances men bear from which they would otherwise be free? Who is there that has not submitted to injury rather than run the risk of heavy law costs? Who is there that has not abandoned just claims rather than 'throw good money after bad?' (Spencer 1853: 274).

Who is there that has not paid unjust demands rather than withstand the threat of an action (Spencer 1853: 274).

This man can point to property that has been alienated from his family from lack of funds or courage to fight for it (Spencer 1853: 274).

That man can name several relations ruined by a law-suit (Spencer 1853: 274).

Here is a lawyer who has grown rich on the hard earnings of the needy and the savings of the oppressed (Spencer 1853: 274).

There is a once wealthy trader who has been brought by legal inequities to the workhouse or the lunatic asylum (Spencer 1853: 274).

The badness of our judicial system vitiates our whole social life: renders almost every family poorer than it would otherwise be; hampers almost every business transaction; inflicts daily anxieties on every trader (Spencer 1853: 274).

It is distinctly provable that many of these evils about which outcries are raised, and to cure which special Acts of Parliament are loudly invoked, are themselves produced by our disgraceful judicial system ?' (Spencer 1853: 274).

See then how this vicious policy complicates itself. Not only does meddling legislation fail to cure the evils it aims at; not only does it make many evils worse; not only does it create new evils greater than the old; but while doing this it entails on men the oppressions, robberies, ruins, which fly from the non-administration of justice (Spencer 1853: 275-276).

6.7.2 France in the Nineteenth Century

Honore Balzac in *Lost Illusions* detailed how the Court Society operates and in *The House of Nucingen* he documented the exact function, modus operandi, and structure behind the Enron collapse, the Bernard Madoff fraud, and the 2008 financial collapse.

6.7.3 France in the Eighteenth Century

In 1759 Voltaire (1694-1778) published *Candide*, a relentless and unsparing satire on the Eighteenth century. It should be no surprise that *Candide* paid a fortune in diamonds to avoid being exposed to false judicial proceedings. “Plutot que de s’exposer aux procedures de la justice.” The great classic ends, after an unending series of encounters with ill-fortune, misadventures, and close contact with the avaricious, the cruel, the dishonest, the ungrateful, and the wicked with *Candide* and his friends preferring exile.

6.7.4 Seventeenth Century

6.7.4.1 John Locke

John Locke (1632-1704) in *The Second Treatise of Civil Government* had much to write on broken fences, conquest, despotic power, magistrates, prerogative, tyranny, and usurpation by the Court Society. Locke first asks, 'What are people to do when illegal attempts are made on their liberties or properties by the unlawful violence of magistrates, who break fences to invade properties contrary to the trust put in them?' He then asks, If the innocent honest man must quietly quit all he has for peace's sake, to him who will lay violent hands upon it, what a kind of peace will there be in the world when it is maintained for the benefit of oppressors, robbers, and the imperious wolf? His first answer is that those who act contrary to their public trust and misuse their power are in a state of rebellion and a state of war with the people. And his second answer is that when the umpirage is lost, and this will be self-evident both from a long train of abuses, artifices, and prevarications and also from the ill design being visible to the People and the mischief general, then an interregnum is in place and the people have the right to dissolve government and put in place a new constitution and legislature. This is because civil government and society exist for the preservation of peace, property, safety, security, and unity of the People, and magistrates who break down the fences and guards of civil government dissolve governments from within for they poison the very fountain of security.

6.7.4.2 Thomas Hobbes

Thomas Hobbes (1588-1679) brought clarity and scholarship to bear upon the chaos of the British legal system. *The Elements of Law* (1640), *De Cive* (1642), *Leviathan* (1651), *De Corpore* (1655), and *De Homine* (1658) all reiterate the basic Hobbsean theme, Computation based on the Commonwealth. This Hobbsean theme remains to be implemented by policy makers; however, now the technology is available. In *De Homine* (XIII, 6), Hobbes speaks of those who presume themselves to be wiser than they are. His substantive example is the Judiciary, who claim that they can give laws to the state rather than apply laws issued by the state. See NZSC 70. Hobbes comments, “Here is the beginning of civil wars”. In *De*

Corpore, Hobbes praises the mechanical arts born from natural philosophy that, he asserts, is the foundation of good governance and the avoidance of calamity. Leviathan is the state derived from Computation based on the Commonwealth. Hobbes asserts that Ignorance of the Law of Nature excuses no man (Chapter 27). The father of British Natural Law Jurisprudence, Hobbes believed that geometry could provide the rigorous science behind Computation based on the Commonwealth and this view is correct. Modern Graph Theory (Bollobas 1998) and Relational Databases can replace Judges who make their own laws.

6.7.5 Sixteenth Century

By the Sixteenth Century it was clear that the framework of British law was “a farrago of detailed instances which defied any scheme of arrangement save perhaps the alphabetical” (Early English Legal Literature, Pluckett 1958: 19). William Fulbecke (1600) and John Doddridge (1629) both observe that it was impossible to avoid the “great confusions” and the “tedious and superfluous iterations” which permeated legal report. Francis Bacon held the same opinion in the first quarter of the Seventeenth Century (Oldrini, in *The Influence of Petrus Ramus* (Feingold, Freedman, & Rother 2001) where he considered law was a 'heterogeneous mass concocted on the spur of the moment'.

In 1517 Martin Luther nailed 95 Theses to the Church Door against the sale of indulgences and the abuses of Papacy, asking, “Why do we let them make such fools and apes out of us?” Mimetic Morphs 1: 5.7.2, Table Four Martin Luther and the Twenty First Century Court, provides an outline of the 16th century Court culture of corruption that can be binned, boxed, layered, tagged, tiled, and tupled in a long range mass matrix comparison with *Zetsubo no Saibansho*, a modern appraisal of Japan’s Court system. Martin Luther wrote concerning the Jurists: “Truth and Law are always enemies. Show me the Jurist who studies to discover Truth...No, they study law only for the profit it brings them” (Berman 2003: 63). It might not be hyperbole to describe Hiroshi Segal as the Modern Martin Luther of Japan.

6.7.6 Fourteenth and Thirteenth Centuries

6.7.6.1 Marsilius of Padua

Defensor Pacis (1363) by Marsilius of Padua (1275-1342) is the second great text on Western law after the *Concordia Discordantium Canonum* (Gratian 1144). Rector of the University of Paris in 1313 when Paris was the second greatest Law School in Europe after Bologna - during the period when *DISPUTATIO*, *INVENTIO*, and *SOPHISTRY* became the preferred methodology of the Law Schools - Marsilius of Padua was particularly well-informed on current legal practice, especially as the Knights Templar Leaders were burnt in 1314 less than one kilometre from the University of Paris.

Marsilius of Padua considers the sophistic opinion to be utterly pernicious to the human race and, if left unchecked, considers it will eventually bring unbearable harm to every city and country. He advises that the sophistic opinion needs to be completely uprooted from states and cities. He stresses we must repel the strife of sophistic opinion with all our strength; that the bond of human society obliges communities, groups, and individuals to help each other in this repulsion; and that this task should not be neglected by anyone for ending sophistic opinion will bring forth common utilities for all.

The pestilence of the civil regimes is the sophistic opinion and it is the duty of all Christians to oppose it by spreading the truth, for Jesus came into the world that he should give testimony to the truth. Striving to teach the truth leads to the salvation both of the civil and spiritual life and, it is more obligatory in those who have the ability, the knowledge, and the understanding of these things, to strive to end the sophistic opinion, which is the pestilence of the civil regimes. Thus, in this Marsilius mission task, religion and science can both be united by the common pursuit of truth based on Natural Law.

In Discourse One, Chapter XVIII, Marsilius states it pertains to the legislature to correct Governance or to change Governance completely. Marsilius reminds us from Aristotle that small errors in Governance should pass but that a law has no persuasion save custom (Politics, II, 12). In Chapter XIX, on Tranquility and Intranquility, he identifies the Roman Catholic Church and the Papacy as the cause of civil unrest in Europe, listing their gradual creeps, their usurpations, & their stealthy double-dealings. Citing Tully, Marsilius of Padua defines Injustice not only as by the one who initiates the damage, hardship, injury, and strife but also by the one who does not prevent it.

Discourse Two opens with a discussion of the practices of priests, i.e., falsehoods; motley entanglements; jumble of doctrines; unjust despotism; misreasonings; spoken and written sophistries; and carnal behavior, and defines judges, reminding us from the Rhetoric of Aristotle that Judges and Magistrates are often involved in personal likes and dislikes, so that they cannot see the truth sufficiently well, but instead have regard in their judgments to their own pleasure and displeasure (Chapter II, 8).

6.7.6.2 The Knight Templars

The Templars: the Secret Life Revealed by Barbara Frale (2004), a historian on staff at the Vatican Secret Archives, documents the destruction of the Templars by King Philip IV of France. The war between King Philip IV of France and King Edward I of England over Gascony (1294+) had been an expensive business. Rigidly religious, King Philip gradually abandoned power leaving the government of France to the lawyers on his Council (Ibid: 134). In pursuit of resources, Philip IV's men took on the Pope and the Templars. First, the lawyers attempted to depose Pope Boniface VIII by calling him a usurper and a demon worshiper (Ibid: 136). Then a contingent of French soldiers attempted to kidnap the Pope (Ibid: 137). AWEd and

shocked, Boniface VIII died shortly afterwards. Second, the Templars were a financial powerhouse, based in Paris, and playing a key role in funding the French Government (Ibid: 139). Using techniques of accusation, denunciation, rumour, and slander, the lawyers prosecuted the Templars in the Royal Courts. Their negative propaganda coupled with sophistry, generalization, and manipulation, made rational defence difficult. Although patently false, the strategy worked because it obeyed the rules of artful exercise (DISPUTATIO) and not truth, and the Royal Court heard what it wanted to hear. In 1307, through active misrepresentation, Philip IV's men took on the Templars in the mechanism of the Inquisition.

The Inquisition became a mechanism capable of swallowing up everyone who had the misfortune of falling into its grasp, a sort of quicksilver from which it was almost impossible to escape (Ibid: 154).

There was no intention to serve truth. The goal was to gain control of the immense resources of the Templar Order. Guillaume de Nogaret and the King's lawyers announced a written confession from the Templar leader Jacques de Molay, and this public announcement led to many confessions in 1307. The written confession was never forwarded to Pope Clement V, resident at the Papal Court in Poitiers, and it has since disappeared from history. It was probably a counterfeit document in the propaganda war or a confession extracted under torture. The King's lawyers then orchestrated a series of base charges, defamatory pamphlets, and defamatory speeches against Clement V including nepotism and illicit sex with the Countess Brunissenda of Périgord, (The strategy employed against Clement V being the same as employed against Boniface VIII, i.e., counterfeit denunciations). The King's lawyers then agreed to send a number of Templars from Paris to the Poitiers Papal Court, but close to Poitiers the caravan split up and the top Templars were taken to the royal fortress at Chinon (It was purported they were too ill to continue their journey to the Papal Court!) The lawyers' strategies against the Pope were based on the "clever expedients" of insult, skirmish, stonewalling, subterfuge, and vexation (Allostatic loading, Emotional contagion).

The King's lawyers demanded the body of Boniface VIII be exhumed to face charges of being a demon worshiper (Ibid: 187-190). Next in October 1308 the King's lawyers accused Bishop Guichard of Troyes of witchcraft and had him burnt at the stake, despite Papal absolution. Then the King's lawyers had fifty-four Templars, who had been found innocent, burnt at the stake in complete violation of the Pope's absolution and authority. Chaplain Pietro da Bologna, a fine jurist, denounced this lack of due process at the trial of de Molay and Geoffrey de Charney, but he was quickly disappeared into the royal prisons by the King's lawyers and judges (Ibid: 195). On 18 March 1314, the King's lawyers and men seized de Molay and de Charney from the legitimate custody of the commission and had them burnt at a stake on an island in the Seine facing towards Notre Dame.

6.7.6.3 The Medieval Origins of the Legal Profession

In the words of Karl Llewellyn, from *The Bramble Bush* (P. 169), “The healthy spirited men of all ages have lifted up their clubs to bring them down on the lawyer’s skull”.

The Medieval Origins of the Legal Profession (Brundage 2008), Chapter 11, records the dislike and disdain of people for lawyers. Medieval lawyers liked to think of themselves not only as knights & noblemen but also as a priesthood whose members performed sacred duties (Ibid 475). This association between priests and legal expertise stretched back far into antiquity. Moses, to whom God had revealed the law, was a priest and the Ark of the Covenant, which contained the Tables of the Law, was in the custody of the priests (Exodus 40: 12-15). While, in Rome, the earliest legal experts were priests (Ibid 475). At the beginning & end of the Medieval Digest, the legal student encountered the Ulpian Declaration: “Knowledge of the Civil law is a most sacred thing” (Ibid. 475-476).

But, in contrast to the flattering self-image painted of themselves by professional lawyers, citizens were distrustful, hostile, and suspicious of the legal profession. A torrent of censure erupted from every region of Medieval Europe and every literate sector of Society. Theologians, merchants, preachers, popes, and poets complained that lawyers were bloodsuckers, hypocrites, foul-mouthed, devious, deceitful, treacherous, proud, arrogant, subversive, oppressive, and fed off the misery of others. Jason de Mayno (1435-1519) described advocates who twisted the law to suit their own purposes as scourges of the poor, dogs of the Court, and devourers of the Commonwealth. Matheolus (fl. Ca 1290) put the situation bluntly. “What can I tell you about a lawyer? He is a bit like a filthy whore, but nastier. If a whore rents out her arse, He sells his tongue, which is even more degrading.” Adam of Perseigne, Abbott, (b. ca. 1145-d. 1221), who lived in the Angevin Kingdom, wrote that a lawyer is a prostitute who will serve any paying client, no matter how worthless his cause. “They are powerful quibblers, the more expert in law they become, the less they obey the laws and the more skilled they become in subverting judgments, justifying evil, and convicting the innocent (Brundage 2008: 480, 482). The parallel between prostitution and lawyers was commonplace and widespread. Delays & lengths of Court cases were attributed to the quibbles & tactics of lawyers. The hostility was bitter, generally shared, sharp, sustained for a long period, vicious. These themes were reiterated decade after decade, century after century (Ibid. 477-482).

6.7.6.4 Plantagenet England

Plantagenet England 1360-1225 (Prestwich 2005) provides a brief survey of law management in England in the Thirteenth and Fourteenth centuries. In 1350 the Chief Justice William Thorpe admitted to bribe taking (Ibid: 72-74). Nicholas French told the King’s Bailiffs that “they deserved to be hung for they never did good when they could do ill” (Ibid: 75). Political songs included “Justices, sheriffs, mayors,

bailiffs, if I read it right, They can make the fair day into dark night” and “They hunt us as a hound does a hare on a hill” (Ibid: 75). In 1346 an ordinance of the King’s Council attempted to control corruption among judges. In 1341 Edward III also launched judicial inquiries finding that there was a wide range of ways by which law managers could manipulate the law towards their own interest. Judge Richard Willoughby was accused of selling laws as if they had been oxen or cattle. In 1298 Edward 1 again launched judicial inquiries. He held the 1289 Commission of Complaints against the King’s Bench on grounds of corruption. The Chief Justice Hengham was fined and the Echeator for Southern England, de Bray, committed suicide because he had gained so many properties illicitly

Dispenser attacks on women were not unusual. In 1319, Agnes de Haldenby was first blinded by her assailants and then made dumb by the cutting out of her tongue so that she could “go inhumanly like a beast”. When she brought an accusation against her attackers, the attackers brought an action against her and her friends in the Court of the King’s Bench, where the attackers obtained a conviction resulting in her imprisonment. It required the intervention of Parliament before Agnes was pardoned.

6.7.6.5 Dante

In his Divine Comedy (1300), Canto 21, Dante placed the Court Society in a boiling tar lake while harassing them with black devils grasping metal grappling hooks.

6.7.6.6 Carmina Burana

A rich corpus of complaint exists documenting the avarice, betrayals, corruption, deceptions, fraud, and enticements of the Judges in the Twelfth century, considered by Maitland to be the most legal century, e.g., the Carmina Burana (1230 AD), Adam of Perseigne, the Apocalypse of Goliath, the Goliard genre, Arnold of Brescia, Bernard of Clairvaux, John Bromyard; John of Salisbury, Nigel Wireker, Odo of Cluny, Peter of Blois, Peter of Damiani, Peter the Venerable, Stephen Langton, Tanchelm of Antwerp, Walter of Chatillon, Walter Mapp, and the unknown Archpoet. These writers considered the introduction of a professional class of administrators dislocated nature, introduced chaos, and put time out of joint. To them the “Unholy band” of Judges and their legal industry “raking in finances” and profit after profit was considered proof of the coming of the Anti-Christ (Walter of Chatillon) and evidence of diabolical millennial triumph.

6.7.6.7 Concordia Discordantium Canonum

The Concordia Discordantium Canonum (Gratian 1144) is the first, most famous, and the longest standing law textbook from the Eleventh Millennium. A cornerstone of Canon law, the Concordia became part of

European Common Law and modern legislation follows the Concordia in the protection of the original possessor (Winroth 2000: 2).

Distinction Thirteen states that there is no exception from Natural Law unless perhaps an inescapable danger exists caused by entanglement in tangled devices. Causa 11 depicts the case of a rightful owner being dispossessed of property in the Civil Court. In the case of iniquitous and unjust sentences from a Judge, such sentences should not be obeyed for they are non-binding and without validity (11.3.d.p40; 11.3.43; d.p.c.43; d.p.c.64; d.p.c.65; d.p.c.73; d.p.c.77; d.p.c.78; d.p.c.86; d.p.c.87; d.p.c.88; d.p.c.89; d.p.c.90). The causes of iniquitous and unjust sentences from a Judge are the cunning and plotting of enemies; the bias, hatred, partiality, and wrath of the Judge; false testimony; culpable acceptance of false testimony; no crime is involved; lack of proper investigation; fear, avarice, hatred, love; betraying truth; and contrary to equity (Winroth 2000: 78; 104; 105; 106; 107; 109; 110; 112). Gratian observes in C.11.d.p.c.86 that the unjust sentence only harms the Judge, not the judged. At C.11.d.p.c.78-82 and C.11.d.p.c.86-90, the gravity of corrupt Judgment and corrupt testimony is highlighted.

Is it not surprising to find so much integration between observations made in Zetsubo no Saibansho' (Hiroshi Sega 2014) and Gratian's Concordia Discordantium Canonum?

6.7.6.8 The Persecuting Society (Moore 1987)

Centered first on the law schools of Bologna and Paris, the novi homines of advocati, causidici, clerici, magistri, ministri, and officiales penetrated the communities feeding off the fat of Jews, lepers, women, heretics, and local people of standing and wealth with a penetrating fiscality (Moore 2000: 166, 172, 180). Termed by Moore, the Persecuting Society (1987), this new regime of legitimized violence (Weber) shared a common culture of advancement, outlook, and purpose. And, harnessed together, the tribe of lawyers with their genre of legalese based on credentials of emerging scholastic methodology and rational inquiry, developed alienating procedures effective for imposing their will on all sections of society, a domination that has become a global Dulocracy.

6.7.7 Early 6th Century

Boethius stands at the crossroads of the Classical and Medieval Worlds. His Consolation of Philosophy & works on Porphyry & Aristotelian logic provided the formal basis of the academic discussions of the Modistae, Scholastic logic. Falsely charged with sorcery, Boethius was tortured and then bludgeoned to death on Court Orders at Pavia (524/525).

Book 1 advances Reason as the tool by which to prevent Government falling into the hands of wicked and

unprincipled men who bring all to ruin. The book describes wretched men being hounded by endless false accusations; the continuous and unpunished lust for wealth; private plundering; the palace jackals; countless frauds; false denunciations; forged letters; property confiscation; and a world where every criminal is allowed to achieve his purpose against the innocent and villains are encouraged to attempt every crime in the expectation of impunity or even in the hope of reward for its accomplishment and good men are prostrate with fear. Book 2 deals with Chaos, the changing faces of the Random Goddess, her dangerous games, the wheel of fortune, Fortune's playground with its random strokes, and a world shared by everybody, closing with the observation "adversity is enlightening & truthful". Book 4 returns to the issue: When wickedness rules, virtue is trodden underfoot and punished in place of the crime. In Section 3 of Book 4, the position is advanced that wicked men lose their human nature. Thus, a man activating multiple lawsuits is like a yapping dog, and a man ambushing others for prey is a fox. Then Boethius asks his great question: Why is the world of Justice turned upside down? It is answered by "God's profundity". Book 5 returns to the issue of the changing faces of the Random Goddess and answers that because God has foreknowledge Boethius lives in the sight of a judge who sees all things.

6.7.8 5th and 6th Century

In *City of God*, Book XIX, Chapter 6, just after referring to Cicero, Augustine of Hippo observes "the ignorance of the judge is often a calamity for the innocent". He discusses judicial torture of the innocent and how, in this dark society and in this unthinkable horror, the innocent, either makes false confessions to terminate torture or is killed. In Book XX, Chapter 2, Augustine asks: "Why an innocent man leaves the Court not merely unavenged but actually condemned, either overcome by the injustice of the judge, or overwhelmed by false evidence, while in contrast, his criminal adversary gloats over him, as he goes away not only unpunished but vindicated?" August then goes on to ask why "one whose record is full of crimes is exalted to high position, while another who is beyond reproach is hidden in the shadows of obscurity. The only answer Augustine finds in the long lists of injustice & irrationality is the inscrutability and untraceability of God.

6.7.9 First Century CE

The *Agricola* (Tacitus) records the arrival of Roman law in Britain. "Nothing is any longer safe from their greed and lust" (15). "Arms can effect little if injustice follows in their train" (19). "To robbery, butchery, and rapine, they give the lying name of 'government'; they create a desolation and call it peace" (30). We Britons are sold into slavery anew every day; we have to pay the purchase price ourselves and feed our masters in the bargain" (31). "It is an instinct of human nature to hate a man whom you have injured" (42).

6.7.10 First Century BC

Marcus Tullius Cicero, who was killed on the orders of the Patrician Mark Anthony and whose hacked-off hands were nailed up in the Senate as a warning to politicians from the patricians, provides numerous practical examples of the bogus counterfeit practices in the Roman law courts and the law profession. In “Against Verres”, Cicero documents the fate of Gavius whom Verres, Governor of Sicily, robbed of everything and then crucified looking across the Messina Straits towards Rome whose Rule of Law did not protect Gavius. In “For Murena”, Cicero refers to the time when legal calendars were not published and to the clerk Cnaeus Flavius, who “put out the eyes of the crows” by publishing a public calendar of law days. In the secret world of the Roman Court, Judges and lawyers were labeled “Crows”. Cicero discusses the legal framing of a lawsuit: “The Sabine Estate belongs to me. No, it belongs to me”. He observes that publication of legal procedures showed how they were senseless, crammed with deception, and stupid, and how in Court even clear law became perverted and twisted by astute legal minds. He concludes that the legal profession was made up of fictions and fabrications, a profession that could be learned in three days involving no particular difficulty (24-6, 28-9).

6.7.11 Aristotle

In the Politics, Aristotle observes that the power of speech is intended to set forth the expedient and the non-expedient, the just and the unjust, distinguishing between despotic rule and constitutional rule (community, deliberative faculty, equity, free men, intellect).

In Book 5 of the Politics, having identified that the universal and chief cause of revolutionary feeling is inequality without proportion, Aristotle discusses approximately ten triggers of revolution in states: (1) Engrossment; (2) Insolence; (3) Fear; (4) Excessive predominance; (5) Contempt; (6) Disproportionate increase in some part of the state; (7) Election intrigues; (8) Carelessness; (9) Neglect about trifles; and (10) Dissimilarity of elements. The first sector of government that causes revolutions is the magistrates. “When the magistrates are insolent and grasping, they conspire against one another and also against the constitution from which they derive their power, making their gains at the expense of individuals of the public (Bk. V: Ch. 2, 1302b). In Chapter 4 (Book 5), Aristotle again observes that magistrates are the causes of revolution, either by amassing too much power; or by their pride of superiority (1304a35); or by setting themselves above the law (1305a32). The major flashpoint Aristotle points out is property confiscation, property division, diminished income, and exile (1304b35-1305a5). Above all, Aristotle advises, in all well-tempered governments, law must regulate the magistrates so that they cannot possibly make money (1308b33).

6.7.12 Plato

In the *Phaedrus*, Plato writes of the Word Wizards who, by the power of their language, make small things appear great and great things small; they who express modern ideas in ancient garb, and ancient ones in modern dress; they who have discovered how to argue both concisely and at infinite length about any topic.... For no one in a law court cares at all about the truth. They only care about what is convincing, a clever and artful technique where no one should tell the truth.

In the *Gorgias*, Plato writes about the knack of oratory and sophistry in the law courts to persuade judges and, thereby, to enrich ones self through property banishment and property confiscation. Against the counterfeit art of oratory, Plato proposes Education, Logos, and the pursuit of excellence.

In the *Republic*, Plato writes about how “complete injustice is more profitable than complete Justice” (I:348c) and official falsehood is useful as form of a drug (V459d). He is most scathing about Justice and the Court Society writing about inattentive and sleepy judges, people spending a lot of time in Court taking pride at doing injustice, and exploiting every loophole and trick (III: 405b), victims being deprived by theft, magic spells, and compulsion (III413b, c); money-makers who bring the city to ruin by meddling (IV434b); sophists who punish anyone who is not persuaded (VI 492d); how hardly anyone acts sanely in public affairs (VI 496c); that experiencing the ‘madness of the majority’ is like falling among wild animals (VI496d); how oligarchs stretch the law (VIII 550d); how people are destroyed by false witnesses, confiscation, disenfranchisement, exile, and death (VIII 553b); and how burning, racking, and whipping were common (X 613d).

In the *Minos*, Plato discusses the global question, 'What is the Law?' observing that it must be a discovery of reality.

And, in *The Laws*, Plato writes disapprovingly of the legislators in Italy and Sicily who write legislation to gratify the depraved tastes of their judges (II 659b) concluding that the safety of a ship at sea exists because captain and crew interpret sense data by reason embodied in expertise (XII 961e).

6.7.13 Thucydides

In his *History of the Peloponnesian War*, Thucydides wrote of the town of Plataea that had been an Athenian ally for ~100 years. After a long defence of their town against a Spartan siege, the Plataean survivors capitulated on the promise that no one would be punished without judicial procedure. The 5 Spartan judges narrowed their questions down to one kill shot: Have you aided Sparta in this war? This total exclusion of the one hundred year alliance with Athens, defence of their home town, a long history

of friendship with Sparta, and Sparta being the invading force led to ~225 men being executed, the children and women turned into slaves, and the town razed. Judicial procedure remains exactly the same today, (1) exclusion of defence; (2) one kill shot. If Edward Snowden ever faces a USA trial, judicial procedure will be identical to that used by the five Spartan judges at Plataea, i.e., ‘Did you release the data?’ followed by penalty.

6.7.14 450 BC

The Lex Duodecim Tabularum (Duodecim Tabulae, or Law of the Twelve Tables) constituted the centerpiece both of the Roman Republic and of the *mos maiorum* (pl. *mores maiorum*), the unwritten code from which the Romans derived their societal norms. In effect, essence, and generality, the Twelve Tables of the Roman Republic still remain the centerpiece of the Western legal system. During the earliest period of the Republic the Twelve Tables were kept secret by the Pontifices and the old nobility, the patricians, and were enforced with untoward severity against the plebian class. Compare with the 2013 State Secrets Act in Japan. In 462 BC, the plebian tribune Gaius Terentilius Harsa (Terentilius) began the movement to have the Twelve Tables published and, against the will of the Pontifices and Patricians, they were promulgated in 449 BC.

6.7.15 Hesiod

Practically the first text written in Europe, when Europe starts at Greece, the Works and Days of Hesiod (records the methodology and pain of being dispossessed of home, land, property, and safe abode by the combined deceptions of the Court and neighbours.

One man will sack another's city. There will be no favour for the man who keeps his oath or for the just or for the good; but rather men will praise the evildoer and his violent dealing. Strength will be right and reverence will cease to be; and the wicked will hurt the worthy man, speaking false words against him, and will swear an oath upon them. Envy, foul-mouthed, delighting in evil, with scowling face, will go along with wretched men one and all. And then Justice will...go from the wide-pathed earth and forsake mankind and bitter sorrows will be left for mortal men, and there will be no help against evil.... Oath keeps pace with wrong judgments...There is a noise when Justice is being dragged in the way where those who devour bribes and give sentence with crooked judgments bringing mischief to men. Then there is the mad folly of their princes who, evilly minded, pervert judgment and give sentence crookedly and the ruination caused by those who steal through his tongue.

6.7.16 The Yasna Of The Gathas

In YASNA 9, Verses 17, 18, 20, 21, 24, & 31 the Gathas advise on overwhelming angry malice; overcoming the assaults of hate, conquering lies; defeating the sanctity-destroyers and the profane apostate (a disloyal person who betrays or deserts his cause or religion or political party or friend) bipeds; the need to get good warning of the thief; the importance of scholars who study books; the dethronement of those who grew so fond of power that they refused to be regulated or watched; and the need to resist the wicked human tyrant, the righteousness-disturber, and the unholy life-destroyer. YASNA 31, Verse 15 asks what penalty is for him who seeks to achieve kingdom for a lie, for the man of ill deeds who makes his living by injuring the innocent; Verse 18 warns not to listen to those who by lies bring house, family, community and land into misery and destruction, and in YASNA 32, Zoroaster in Verse 3 opposes the seed of Bad Thought, the Lie, and the Arrogant; Verse 5 opposes those who by Bad Spirit, Bad Thought and Bad Word defraud mankind of happy life and bring mankind to ruination; and Verse 9 opposes the teacher of evil who destroys the design of life. YASNA 33, Verse 1 refers to the fact that the Judge must balance in good measure and Verse 6 defines the right path as the straight path and in YASNA 34, Verse 9 describes how the righteous shrink back before men of evil action who are wild beasts of prey. YASNA 46, Verse 1, Zoroaster asks what land must he flee to escape the Liar rulers of the land; Verse 4 describes the repulsion of those who prevent people from prospering; Verse 8 refers to those who injure possessions. In YASNA 48, Verse 10, Zoroaster refers to the Lords of the Land who plunder the people through deception and fell purpose and in YASNA 49, Zoroaster refers to the House of the Lie as an evil dominion of evil deeds, evil words, evil Self, evil thought, and evil food. YASNA 51, Verse 14 again refers to the Lords of the Land who do not obey the statutes and ordinances. YASNA 53, Verse 8 asks Good Rulers to bring bloodshed and death upon those who assault the happy villagers and Verse 9 states that to men of evil creed belongs the place of corruption. YASNA 57, Verse 14 predicts that from this house, this village, and this tribe, and from this country, the evil and destructive terrors (shall) depart far and Verse 25 asks for protection against the remorseless Wrath of rapine and the forces of ill intent. YASNA 60, Verse 5 asks for peace triumphing over discord here, generous giving over avarice, reverence over contempt, speech with truthful words over lying utterance, and may the Righteous Order gain the victory over the Demon of the Lie. YASNA 61, Verse 5 asks Zoroaster's two great questions "How shall we drive the Demon of the Lie away?" and "How shall we dislodge the entire evil world?" (YASNA 61, Verse 5).

6.7.17 13th to the 10th Centuries BC

Written in cuneiform upon clay tablets, The Epic of Gilgamesh is the earliest text in European history. The Fifth King of Uruk after the Great Deluge, Gilgamesh, the first Judge who was only one-quarter vampire, successfully interviewed Atrahasis, or Utanapistim, the Mesopotamian flood hero. Some, blinded by Hebrew Hubris, may know Utanapistim as 'Noah'. The key to Gilgamesh's power is that he can 'Bind and

Unbind'. Tablet One opens with a complaint by the people of the city of Uruk against judicial practices: how nothing is safe in the city; how judicial arrogance knows no bounds; how no person is secure; and how judicial demands reduce the people to a state of misery. The complaint by the citizens of Uruk is that Gilgamesh is not a Good Shepherd guarding his people but a predator upon the people.

6.8 Analysis

One might not have expected or predicted that 'Zetsubo no Saibansho' (Courts Without Hope) by Hiroshi Segal, Professor at Meiji University of Law, Japan, and 'Divorce Corp' by Joe Sorge, and Film Maker, USA, could have been interpolated and interleaved with five thousand years in a Court Society time column. The remarkable cohesion and consistency towards the black displayed by the Court Society demonstrates that its attractor, basin, manifold, and phase space is towards the black. Just as water runs downhill, the Court society gravitates towards the black.

There are no white Courts. There are only black Courts. In retrospect, once the divine connection is lost and the legitimacy and validation of the supernatural turned into smoke, it become obvious that the Court Society is an ancient fraud. Reform of the Court Society is not possible. It is a worn-out dogma from the wrong side of history.

6.9 Where to From Here?

The 'cultural thought style' of the Court is based on Aristotelian Mechanics, the stationary world where chess playing judges put the pawns in their proper place and perturbations are damped down. This is called 'Order', 'Ordering' and 'Natural Order'. However, beginning from Henri Poincaré and David Birkhoff and greatly expanded by Edward Lorenz in 'The Essence of Chaos', the Butterfly Effect demonstrates the dangers, differences, divergences, and disasters set in motion by interfering with a dynamic system.

All social disasters not directly attributed to natural causes can be traced back to manmade causes and the greatest manmade cause of all is the survival of the 'World at Rest' 'cultural thought style' of the Court. Governance, state-building, and World Order in the 21st Century (Fukuyama 2004) cannot be built upon religious relics, supernatural societies, and toxic theologies leftover from the feudal and medieval ages. Nor can Aristotelian Mechanics, Giles of Rome's 'On Ecclesiastical Power', and seigniorial economies based on trauma be allowed to reboot into the third Millennium CE.

The time has come to reboot law management from ground zero and ground zero means no Courts, no judges, no lawyers, no law faculties, no law firms, and no law professors for the legal system is the greatest

source of disorder, injustice, and mayhem.

Dismembering the Black Court requires appreciating both the built-in inertia and the resistance of invested interests. “Many studies confirm that no...significant effect follows policy change” Caroline Hoxby, Stanford University Economics Professor, cited Gladwell 2013: 42) and the research of Kahan, Jenkins-Smith, and Braman (2010) shows that ‘deep-rooted cultural dispositions interfere with reality perceptions’. In his *Politics*, Aristotle recommends banishing vested interests for ten years while constitutional changes are being forced through. This practical option is not available today.

Rebooting law management from ground zero requires remembering that the Random (Mlodinow 2008) is the driving force. Communities, families, and societies have their own attractors, basins, manifolds, and phase space. Harmony is better than hurt, peace better than war. Most human problems, being random, have no solution. They are solved by the attractors, basins, manifolds, and phase space of communities, families, and societies. Most human problems can be avoided or downsized by default systems, fallback baselines. A default system, such as ‘Etiquette’, can replace all legal systems. Casino Courts - where participants put in his or her own preferences and proportions and balances and checks provide that everyone wins some share – are one way towards harnessing the random for the social good..

Then there is the bad. How do we cope with the bad?

6.10 Alternatives for the Bad

Hiroshi Segal’s cautious optimism that drawing judges from a pool of ‘Truly good lawyers’ will lead to a better judicial system, collapses completely against the Western experience. Reform of the Court system is not possible. Horses are not part of the Modern technological world. Why should judges and lawyers be any different from horses? They come from the same era of technology. The Court Society is made up of yesterday’s men in tomorrow’s world and one does not put birds back in yesterday’s nests (Don Quixote, Miguel de Cervantes, last chapter).

By interleaving the bundled ‘Zetsubo no Saibansho’ and ‘Divorce Corp’ in the Saussurean Time Column, we have seen that Hiroshi Segal and Joseph Sorge are on the same page and on the same mission task as Girard, Berman, Chandler, Balzac, Jeremy Bentham, H. W. Weston, Charles Dickens; Hebert Spencer, Voltaire, John Locke, Thomas Hobbes, Francis Bacon, Martin Luther, Marsilius of Padua, Bernard of Clairvaux, John of Salisbury, Stephen Langston, Walter of Chatillon, Walter Mapp, the unknown Archpoet, Gratian, Boethius, Augustine of Hippo, Tacitus, Cicero, Aristotle, Plato, Thucydides, the plebian tribune Gaius Terentilius Harsa (Terentilius), Hesiod, Zoroaster, and the Citizens of Uruk. This is possible because Mimetic Morphs has selected a very narrow time column, the dark side of the Court Society, and abandoned

Reason and Rhetoric in favour of bins, boxes, layers, tabs, tags, tiles, tuples, and stacks.

“How shall we drive the Demon of the Lie away?” and “How shall we dislodge the entire evil world?” asks Zoroaster in YASNA 61, Verse 5, and these, without hyperbole, are also the same questions being asked by Sega and Sorge. Putting lawyers at the basis of the Judicial System would certainly not succeed at driving the Demon of the Lie away and dislodging the entire evil world. For, in fact, it is a commonplace, deeply held, long-held, and widespread belief in the Western world that lawyers are the Demon of the Lie and the source of the entire evil world.

In ‘On the State’ (III) Cicero has Laelius, in the most famous and influential passage of the Republic, describe the universal nature of law and in his corpus Thomas Hobbes (1640, 1642, 1651, 1655, 1658) advances ‘computation based on the Commonwealth’, i.e., Material Reality and Smart Documents.

The slime mould *Physarum polycephalum* is the answer to Zoroaster’s and Hiroshi Sega’s questions on rebooting the Court system and the solution to the universal nature of law and computation based on the Commonwealth. *Physarum polycephalum* cannot lie and does not know about the human world. *Physarum polycephalum* can replace the Demon of the Lie and dislodge the entire evil world of the dark Court Society.

Physarum polycephalum is analytical, *Physarum polycephalum* can categorize, *Physarum polycephalum* is as complex a system such as the Tokyo subway system, *Physarum polycephalum* cannot be guilty of moral turpitude, *Physarum polycephalum* cannot be obscene, *Physarum polycephalum* cannot collude, *Physarum polycephalum* cannot manipulate, *Physarum polycephalum* cannot commit sexual harassment, *Physarum polycephalum* is honest, *Physarum polycephalum* is impartial, *Physarum polycephalum* is patient, *Physarum polycephalum* will not attempt to tenaciously try to talk plaintiffs into dropping cases, and *Physarum polycephalum* works for next to nothing.

Hiroshi Sega considers ‘the dogged bureaucracy and organization-first mindset of the judicial mindset holds true for Japan as a whole and explains why the nation has continued to fail following the collapse of the bubble economy’ (Osaki, Ibid). The dark world of the Court Society is also a bubble economy and it is failing worldwide. Public mistrust of the Court Society is global and regulatory breakdown is evident everywhere.

The economic development of the *Physarum polycephalum* Court creates an opportunity for the first nation to follow this lead to obtain a commanding control over *Physarum polycephalum* patents, *Physarum polycephalum* software systems, and *Physarum polycephalum* technologies. The market is global because of the global mistrust in judicial systems. The *Physarum polycephalum* Court brings justice to the poor

for the first time in history. All contracts and conveyancing could be written within the Physarum polycephalum parameter space and parties to this parameter space know in advance that their Judge would not only be blind, deaf, and dumb but also a slime as well.

Insertion of Physarum polycephalum at the core of the Court society will be slow at first and fiercely resisted by the stakeholders and invested interests. At the start a hybrid system providing citizens with a choice, Physarum polycephalum or a Judge, would be the better way to begin phasing out the Old Order. The Old Order might not want to give the public a choice. Judicial rulings could also be crosschecked by Physarum polycephalum. Of course, the Physarum polycephalum Court will not be the Court of the Old Order. The Physarum polycephalum Court would be a very quiet Court.

6.11 Conclusion

This opportunity to interpolate Zetsubo no Saibansho' in a Saussurean Time Column and Saussurean Stack has only been possible thanks to Eisuke Komatsu who has translated les cahiers of d'Emile Constantin who attended Saussure's third course of lectures on linguistics at the University of Geneva 1910-1911. Without Komatsu's work, Saussure's notions of Time Columns and Linguistic Waves might have been lost forever. Thanks to Komatsu, we have been able to employ long-range mass matrix comparison between the modern Japanese Judicial System and the historical Western Judicial System.

Thanks too are due to Michio Kaku (1994) and his clear expositions of hyperspace that have made it possible to develop Saussure's notions of tesseract linguistics.

Japanese leadership in Physarum polycephalum research also makes it possible to propose Physarum polycephalum as a sane alternative to judges.

Finally, returning to the dichotomy between paddy rice cultures and wheat cultures, it could be predicted that the corporations, municipalities, nations, organizations, people, and societies that adopt the Physarum polycephalum parameter space would develop a new 'cultural thought style' of certainty, connection, confidence, collectivity, ethics, honesty, integrity, intelligence, and peace, the peace of the Physarum polycephalum paradigm. In this emergence, the evolution of the Physarum polycephalum world would follow in the slow patchwork footsteps of the Protestant Reformation.

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