

Entitlement: Aristocrats Defend Privilege (1884)

A Critical Examination of the Dissenting Report on City Livery Companies Royal Commission 1880-84

ABSTRACT: The privileges enjoyed by City liverymen in return for their support of the monarchy founded by William the Conqueror in 1066 have no logical or moral foundation. In 1884 certain aristocrats within the Royal Commission attempted to justify the privileges of City of London liverymen without admitting that the privileges in the livery company charters included favourable treatment by judges and ministers. Their argument--which amounts to nothing more than an unsupported claim--may be summed up in a word: entitlement. The main report favoured some government oversight of the livery companies but the dissenting report omits relevant matters, including the livery companies' direct links to the armed forces and the favoured status which to this day allows City liverymen to unduly influence legislation and be protected in the law courts despite wrongdoing, including 'non-recital' (concealment) and 'mis-recital' (deception). The nature of aristocratic entitlement is the greatest freedom to take advantage of opportunities for personal gain and pleasure with little regard for the welfare of others.

The dissenting report of 1884 is a defence of aristocratic privilege set out by men who were themselves aristocrats or quasi-aristocrats. Their protest against interference with the freedom of City of London liverymen to control a trade and amass treasure, property and power without government oversight¹ relies upon entitlement which has either been inherited ('patrimony') or paid for ('redemption').²

Had the European Convention for the Protection of Human Rights and Fundamental Freedoms been in existence, the dissenters might well have cited Article 11(1): *Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests.*

However, it is important to distinguish between the idea that individuals have the right to associate with others to protect their common interests and the right of a few people, acting secretly, to advance their interests at the expense of the common good.

The argument that aristocrats are entitled from birth to privileges denied to others has no moral or rational basis. As Thomas Paine reasoned in The Rights of Man almost a century before the report was published, there are no hereditary judges, mathematicians or poet laureates.

¹ Contrast this with the treatment of recipients of means-tested benefits who must, upon demand, hand over bank statements, passbooks and personal information, including names of any co-habitants.

² Freemen and apprentices are also members of livery companies, but their privileges are limited. They serve as a company's power base and, in return, may have access to education for their children and a pension in old age.

Key statements (in bold) have been extracted from the dissenting report³ and subjected to analysis.

[The livery companies'] constitution was always aristocratic. (p 3)

The companies, like other chartered bodies, were and are hierarchies of dominance, mini-kingdoms with their own courts. An aristocratic constitution establishes rule by a privileged minority.

These reasons [sic] have caused the companies to consist largely of non-craftsmen⁴ from the earliest times, and the proportion of non-craftsmen seems always to have been particularly large among the administrators or governing bodies. (p 3)

The companies were and are aristocratic because they were designed by powerful persons to benefit themselves and their progeny. Patrimony, the inheritance of liveryships by sons and daughters, is one method by which the DNA of the powerful is perpetuated. The power of the wealthy does not end when the body dies. Those who control corporations are seekers of immortality.

[F]or the last four hundred years the companies of London have been mainly what they are at the present day, viz., associations identified name with-trade and manufactures, but whose real objects have been rather hospitality and benevolence. (p 4)

Hospitality is undoubtedly an object to this day. Livery company websites offer, in the words of their members, glimpses of social life in the City of London:

The dinner menu was well balanced with fine wines from Alsace, Bourgogne and Victoria and proved unexpectedly educational. The starter was a delicate goat cheese crottin (a rather unsavoury word which can be found in any reasonably broad-minded French dictionary). The cheese is produced in the village of Chavignol near Sancerre from the milk of mountain goats and has an intense but not overwhelming flavour. This was followed by pan fried mullet and seared cannon of lamb. This cut from the eye of the loin is currently a favourite of Gordon Ramsay's at Claridge's. Loving cups were circulated in the time-honoured way.⁵

The Master of the Worshipful Company of Distillers attended the following events between 27 April 2006 and 9 November 2007:

Heriot-Watt Lecture, Edinburgh
Cooks Company Dinner, Innholders' Hall
Funeral and eulogy for Budge Brooks
Court Trip to Bordeaux
Distillers Golf Day at West Kent GC followed by weekend at Ironbridge
Sherrifs Common Hall and lunch

³ The full dissenting report, as well as the main report, may be found at www.british-history.ac.uk

⁴ This distancing from trade and commercial interests seems disingenuous. Whatever the facts were at the time of the report, there is considerable evidence that in recent times the livery companies have effectively been self-serving unelected unaccountable policy making organisations. In 2000, the Worshipful Company of Water Conservators had liverymen with addresses at Severn-Trent Water Ltd, Yorkshire Water Plc and The Environment Agency. (Source: [City of London Directory & Livery Companies Guide 2000](#), pp 285-6.)

⁵ The Newsletter of the Worshipful Company of Fletchers, May 2006, p 6

Court meeting at Tallow Chandlers' Hall
Lunch at Chilean Ambassador's residence
Cricket at Sutton Valence School
Masters & Clerks Dinner at Innholders' Hall
Sheriffs and Records Fund at Old Bailey
Lord's [Cricket Ground] Tour and Cocktail Party
Garden Party at Buckingham Palace
Lunch at Butchers' Hall
Golf Match v Brewers
Beefeater Distillery Inspection
Lunch Nursing Yeomanry Guildhall
Glass Sellers Dinner
Cask Group Lunch
Livery and Ladies Banquet at Mansion House
Vintage festival and lunch
Keepers of the Quaich Dinner at Blair Athol Castle
Scottish Golf Day at Prestwick GC
WSET Annual Lecture
Framework Knitters Banquet
Vintners Livery Banquet
Lord Mayor's Appeal
Lady Mayoress reception at Mansion House
Poppy Day Appeal at St Paul's
Mistress Badge Ceremony at WSET⁶

Adam Smith observed in The Wealth of Nations (1776), "People of the same trade seldom meet together, even for merriment and diversion, but the conversation ends in a conspiracy against the public, or in some contrivance to raise prices".

[The Ironbridge Gorge Museum Livery Weekend], initiated in 1983 by the then Lord Mayor of London, Sir Peter Gadsden, provides a great opportunity for fellow Masters to socialise and compare notes away from the formality of the round of City events that otherwise bring them together. Benefiting from the long-awaited arrival of summer sunshine, the weekend was a great success. New friendships were forged and common challenges shared in the unique and fascinating surroundings of the birthplace of the industrial revolution.⁷

The dissenters devote considerable space to recording livery company support for education but make no mention of their support for the monarchy's armed forces, even though royal charters have always been revoked and granted to raise funds for military excursions.

A splendid buffet in the Royal Signals Museum gave us all a chance to look round the museum and the various exhibits covering the history of both Blanford Camp and the Signals Regiment. The afternoon session concentrated on practical soldiering skills taught. A thorough briefing on survival skills from one of the instructors who has spent some time with the SAS gave us some useful insights on how to survive on some of those more exotic business trips, although the improvised clothing used to keep warm might not look that good in the boardroom.

Our grateful thanks to Brigadier Ted Flint and Colonel Gordon Rafferty for arranging and hosting our visit, and Lt Colonel James Langley--Commanding Officer of 11 Signal Regiment--and all of his staff for their assistance in making this a fantastic day out, both informative and enjoyable.⁸

⁶ 'The Distillate', newsletter of the Worshipful Company of Distillers, Winter 2007, p 7

⁷ 'The Worshipful Company of Insurers Newsletter', June 2008, p 1

⁸ 'Monitor: The Worshipful Company of Information Technologists Newsletter', April 2008, p 4

Many of the (currently 108) livery company clerks are drawn from the highest ranks of the armed forces. Circa 2007, a list included four from the Royal Air Force (one Wing Commander, two Group Captains and one Air Vice-Marshal), 13 from the Royal Navy (three Captains, three Commanders, two Commodores and five Rear-Admirals) and 21 from the Army (one Major, seven Lieutenant-Colonels, eight Colonels, four Brigadiers and one Major-General).

Kevin Cahill (2001) writes of those promoted by the Plantagenets:

At the end of the day it was their capacity to hang onto wealth, even as the number of the wealthy outside the core aristocracy increased, which enabled them to sustain the positions created for them by the Plantagenets when they were in power and on the throne. That and the myth of their origin, which was easy enough to promote if you could afford the feasts, banquets and balls necessary to the social promotion of position.⁹

Socialising is an essential part of becoming an insider, someone who has made friends, is in a position to do favours for those friends and who will expect favours from them in return. Belonging to a social group is beneficial physiologically as well as financially. Social relationships have chemical “feel good” payoffs and it is natural to seek them out. The problem is not the formation of a social group, but the covert use of wealth and power to exercise undue influence in legal and political arenas. In other jurisdictions influence peddling is an imprisonable offence, but in the UK doing favours and accepting favours in return is a way of life which--thanks to privileges entrenched in royal charters as well as custom--has never been properly scrutinised.

If hospitality and benevolence are proper activities and above reproach in themselves, it does not follow that they constitute a valid reason for an organisation to be exempt from government oversight and regulation.

Despite a flawed and feeble veneer of democracy, today as before there are people of privilege and people without it, with the former being above the law and the latter being oppressed by it.

[T]heir corporate property is as much their own, and with as full a right of disposition in the eye of the law, as that of any private individual, and the Crown has no more right to inquire into the mode in which it was acquired and the way in which the income arising from it is spent, than it has to make similar inquiries with respect to the estate or income of a landed gentleman or merchant. (p 4)

This strong claim of entitlement placed Queen Victoria in very much the same position as King John's in 1215. The aristocracy sends its message that “rank has its privileges” which “the Crown” must honour. Sovereigns have been deposed by the plots and intrigues of barons. Kings and queens have granted favours to keep their heads as well as their crowns.

⁹ Kevin Cahill, Who Owns Britain: The Hidden Facts Behind Land Ownership in Britain and Ireland (2001), p 124

The ruling class obtained, retained and increased its power and influence through centuries of murderous force, but would draw a line under the actions of their ancestors while being no more accountable to the public or concerned about the harm done to others by incorporation. Members of Parliament have not understood this or have tied their own hands and not addressed it.

[T]he few really highly-paid officials who are in the employment of the companies hold positions of importance, and are professional men of ability, who could easily have found equally remunerative occupations.
(p 9)

This claim is unsupported by evidence. Failure, as the current banking 'crisis' shows, is well-rewarded.

That is not to say that genuine accomplishment goes unrewarded. Judges who preside over difficult civil trials or head public inquiries into matters of importance to the Crown are promoted. That they find no significant wrongdoing by ministers, civil servants and businessmen takes considerable skill whenever there is substantial evidence to the contrary.

As regards the mode in which the company's income is expended, the company trust that the same sense of the duties attaching to the possession of property which has hitherto guided them in the administration of their own will continue to do so; and they venture to think that in this respect they have no reason to fear a comparison with the most liberal among the wealthy nobility and gentry of the realm. But considering this point to be one affecting themselves only, they decline to notice either the censure or the commendation which may have been expressed by others in reference to it. (p 10)

This letter from the Mercers' Company (first in precedence among City livery companies and, according to its website, the owner of significant parcels of property within and outside of the City) is an assertion of superiority which need not be questioned, even though only those at the top are ever in control of assets and influence.

Their property being at law the companies' own, the product partly of their own savings, partly of absolute gifts to them, and the income from it being in great part spent for the public good, we join with the Lord Chancellor in "declining to contemplate" any State interference with this property or with the companies in their administration of the income arising from it. (p 16)

But--we outsiders may ask--who has made the law, today and for centuries, if not the aristocrats and their hangers-on? And what sort of law have they created, if not essentially self-serving? Legislation is still drafted by what are effectively royal servants in the Privy Council Office.

Any person having the slightest knowledge of the London Companies must be aware that patrimony is the very essence of their constitution.
(p 18)

Patrimony is the aristocrat's primary claim to privilege. A history of murder and theft by ancestors is not decried or denied, but found to be an acceptable, if perhaps unfortunate, foundation of wealth and power.

Much privilege has been inherited by the descendants of thieves and murderers. Entitlement equals their "right" to maximum freedom to exploit opportunities for personal gain and pleasure without being obliged to consider the impact on outsiders.

A clue to the dominant aristocratic mindset may be found in the opinion of the Victorian journalist and MP Walter Bagehot who stated: 'We have in a great community like England crowds of people scarcely more civilised than the majority of two thousand years ago...The lower orders, the middle orders, are still, when tried by the standard of the educated "ten thousand", narrow-minded, unintelligent, incurious'.¹⁰

It was also Bagehot's view (echoing Edmund Burke) that 'yesterday's institutions' were 'the most ready, the most influential, the most easy to get obeyed, the most likely to retain the reverence which they alone inherit'.¹¹ Though outsiders (today including women and ethnic minorities) may be welcomed into the ranks of the livery companies for their talents and money and to dilute the white male image, the prevailing assumption seems to be that, while aristocrats and quasi-aristocrats may be imperfect, Bagehot's lower and middle orders would be no better and might even be worse if given the chance. Stanley Milgram's experiments¹² demonstrate that how people behave is more likely to be influenced by the situation they find themselves in than by their personal values. Caught in a social trap, few people would want to be seen to 'let down the side' and betray their class, their friends and their colleagues.

The argument of 'less corrupt than others would be' was not raised in the report. While it may be a belief which gives psychological comfort to the elite, because there are reasonable democratic alternatives, it can not be a sufficient endorsement of hereditary entitlement or entitlement by wealth.

The dissenters' report acknowledges that livery companies were incorporated bodies, enabled by royal charters to regulate trade and amass treasure, property and power. What is not acknowledged is that royal charters placed City liverymen above the law via the royal command for judges and ministers to favour them in disputes and legislation, "mis-recital" (deception) and "non-recital" (concealment) notwithstanding.

The commission, probably established under duress and intended to soothe the public into thinking that something had somehow been done, had no discernible

¹⁰ Walter Bagehot, The English Constitution (1867) p 6

¹¹ Ibid. p 7

¹² Stanley Milgram, Obedience to Authority (1974)

impact. Queen Victoria, who preferred the romantic Disraeli to the reformer Gladstone, would have been predisposed to defend hereditary privileges.

There have been and will continue to be disagreements among those in the ruling class, but its dominant¹³ members have shared a belief about where their common interests lie and have defended the status quo. This is understandable, mistaken and counterproductive. Security as the preserve of an elite is not much security for those they exploit or for the exploiters themselves.

Greater security for everyone, based upon a clearer understanding of the feudal past which has continued in a more subtle guise, should be our common goal.

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¹³ Research into juror decision making suggests that it is not the composition of a group which matters most but who takes charge.