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## AUTHORITY AS NURSE OF FREEDOM AND THE COMMON GOOD

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THE SPIRIT OF MODERN LIBERAL SOCIAL AND POLITICAL THOUGHT, IN THE TRADITION of John Locke, Adam Smith, and Frederick A. Hayek, has been recently brought to bear in support of the fundamental notion of persons as centers of creative freedom, ideally formed in the “virtue of enterprise” (M. Novak, *Free Persons and the Common Good*, 1989). Concurrently there is widespread recovery of the neglected reality of community, even to the point of a re-emergence of the concept of the common good into public discourse. It would be hard to name a thinker who was so uncompromisingly committed to both the creative, enterprising freedom of individual persons and the establishment of a common good not reducible to the particular goods of individuals as was Yves Simon. The central, organizing concept in Simon’s social and political theory is authority. Indeed, authority is the “arch-premise” in Simon’s integration of a robust personal freedom so esteemed in the liberal tradition and an integral, hierarchical community so central to classical political thought.

What is remarkable, and perhaps counter-intuitive, is the sense in which authority nourishes personal freedom. One might readily see how authority assists communitarian interests. Similarly one might imagine how a case could be made that the exercise of personal freedom maximizes attainment of the common good. But it is not so clear how authority equally and by its very nature serves both particular and common goods. Yet just such a vision lies at the heart of Simon’s practical philosophy. Contrary to most modern theorists and against the prevailing public philosophies of our day, Simon insisted upon the intrinsic good of authority. It is this case, particularly as developed in his *A General Theory of Authority*, we shall develop in the present essay.

In what follows we shall first situate authority within a basic sketch of civil society. Ideas of community, the common good, and common action prove central to the account and are therefore subject to discussion in part two. In part three we directly discuss the nature of authority. At its best and by its nature, authority fosters individual self-possession of creative freedom. Although this possession is a great *desideratum*, in Simon’s view of things it is not gained without acknowledging a more profound incorporation of the individual in communal reality than is often taken for granted. We conclude with part four, making the case for the intrinsic goodness of authority as nurse of both the common good and personal freedom.

### I

Simon takes it for granted that human beings are by nature social creatures. The variety of associations in which human life transpires is grounded in an essential teleological dynamism of each human soul. This is to say, one’s involvement in society has a fulfillment or satisfaction in its own right, apart from whatever good is brought about through or as a consequent result of this social involvement. Furthermore, these associations, fulfillments of natural

human impulses, be it family, tribe, guild, church or state, are works of art and reason. Incorporation in the community is part of man's nobility. His excellence, his happiness, the very nature of his innate capacity to be a complete thriving person requires a share in good which is proper to the community. As a constituted entity the community enjoys a life of common action. Indeed, common action is the life, the work, the living substance of the community. The common action itself is for the sake of the common good.



*Yves Simon*

We locate the meaning and reality of authority directly in connection with the concept of a corporate entity engaged in common action for the sake of a common good. Authority is the voice of practical reason speaking for the community, giving unity to its action in pursuit of the common good. Authority's two chief functions are choice and intention. Authority is the agent who chooses the means the community employs in its securing and preserving the common good. Authority is also charged by the community to intend, to will as its end, the common good in an especially single-minded way. It is the special character of this intention of the common good which is the most essential function of authority. Speaking metaphorically, authority is the functional head of the community body. As such, its primary, overarching work is to give unity to the community's action. What it in fact comes down to is that authority is the practical reason of a community, it is the prudence of an acting corporate entity.

## II

Let us look closer at the notions of community, common good, and common action since they provide the immediate context for understanding authority. We should like to see more clearly these facets of communal life, of which authority is in some sense the cause and form. Indeed as already suggested, authority has its being precisely in the maintenance of human community.

Community. Each human being belongs to a variety of associations, be it a family, clan, church, club, team, business, committee or society. Within these associations each member performs identifiable activities toward the establishment of some end or purpose of the association. Whether it be a church worshipping, a hockey

team seeking victory, or a business working for a product and profit, each association marshals the activities of its many members toward its respective end.

Associations divide into partnerships and communities. In a partnership there is no common action, no action proper to the association when

taken as a whole. Rather, action can be interpreted without remainder as the sum of individual actions undertaken in behalf of the association's end. Furthermore this end is divisible and enjoyed privately by the various associates, each according to his or her fair share, a distribution established in advance according to a contract, whether implicitly or explicitly. Simon calls such ends, "a common interest." For a concrete example consider a business partnership, composed of a builder and a banker. At its simplest, the banker provides capital, and the builder builds. The partnership is struck by a contract the terms of which are ordered to the eventual separate and exclusive share of the common interest to be generated as a result of each associate doing his or her own thing. In a partnership reason is at work in the separate execution of each partner's work; it is also at work in setting the terms of the contract. Unless subsequent contingencies require revisions of the contract, there is no activity of reason proper to the partnership taken as a corporate entity. In this regard, partnerships manifest reason in a way analogous to a machine; the reason is an extrinsic, non-living factor in what it regulates. There is from within the partnership itself no subject, no center which regulates the partnership's unity in response to the contingent particulars of the partners' actions.

By contrast, a *community* is constituted in order that it may achieve a common good through common action. The chief differences between a partnership and a community lie in the qualitative difference between the *ends* sought by the associations' actions, and the qualitative difference between the *actions* by which their ends are sought. These will be taken up immediately below. But first we should add that, whereas reason unifying the partnership reposes extrinsically in the contract, the unity of a community lies within a particular associate of the community, a person who carries the special office of authority. First, however, we need to clarify the notions of common good and common action.

*Common Good.* A community undertakes common action in order to achieve a common good. Principally, the common good is the end, the purpose, of the community's action. By contrast with the end of a partnership's action, the common interest, the common good is not something mainly to be enjoyed privately after a division of the good into exclusive parts. An example will put the matter clearly. Imagine the members of a commune gathered around a festive dinner table laden with the collective fruit of their labors. The food, in whole or in part, belongs to no one individual member, but to all collectively. Though one may be tempted to think of this food as the commune's common good, this would be a mistake, for the food is a perfection only to the extent that it is divisible and enjoyed by being appropriated privately. Furthermore, as each portion of the food is enjoyed the collective whole is proportionally diminished: when one member eats some there is less for the others. Finally, the goodness of food is exhausted, without remainder, in the sum of satisfactions of private consumptions. The good of food at the meal represents the common interest. Now compare this with the good of the good-humored conversation sustained at the table throughout the meal. The conversation is appropriable by each member according to their own measure. Yet when one partakes, the whole is not diminished for the others; there is even reason to think the whole is thereby increased. The conversation represents a common good. It bears the essential mark of indivisible, non-diminishing fecundity.

We might ask: to whom does this common good belong? Since a good is imputed to the subject whose power is perfected, and since the good is not reducible to the sum of individual satisfactions, we attribute the good to the corporate whole of the commune at table. As an actual entity, the conversation, like a poem or essay, has an integral wholeness. Indeed the conversation assumes a form giving it its unity and, correlatively, its perfection. The perfection, the goodness of the conversation belongs to the association of members taken as a whole: it perfects the community beyond the sum of the satisfaction it begets in individual members.

In a complete community, one more self-sufficient than the example of the commune, its common goods would be represented principally by its religious feasts and patriotic celebrations, by its moral, intellectual, and artistic culture. Secondly, the complete community's common good exists in the peace that prevails throughout the realm, in the achievements of its syst-

ems of justice, transportation, communication, and in the public health, to suggest only some of the more prominent goods. All such goods perfect the community out of an indivisible, non-diminishing plenitude. They also all result from common action.

*Common Action.* The common good's commonness has been explained as its non-diminishing, indivisible availability for all members of the community. This public, universal quality of the good has perfectibility transcending the sum of particular satisfactions of individual members. The collection of individuals, then, cannot be the proper subject of the common good. We infer, then, it belongs to the community taken as a whole. This means that the community is a real subject whose actuality is in the perfection of the common good. When we try to envision more concretely the community's actuality we see it as a career with distinguishable moments of activity. If we recall the history of commune, whom we earlier imagined at table, its conversation was such a moment. Or if we consider the more complete community of a nation, its life includes high moments of civic celebration, public worship and acts of justice. Such activities are the culminations of generative actions drawing upon the material and spiritual resources of the entire community. If we take the concrete case of worship, not only are churches built, priests trained, and civic schedules arranged, but an entire tradition of prayer, cult, scripture, and so on, is sustained throughout the community. These sustaining pre-requisites represent numberless actions undertaken with the end of public worship in view. We might well wonder about the principle of unity in this common action. How can the efforts of so many particular agents in the midst of everyday life's mysterious contingencies so regularly issue in the active reality of the common good? There must be a mind behind all this, responsible for its unity. Authority names the source of the unity in the community's action in view of the common good. And this action, in so far as it issues in the nonreducible common good, is called the common action of the community.



choice as deliberate desire, we then consider the impulse of desire under the direction of practical reason to issue in action. Action, of course, is for the sake of the end. Now adapting this basic sketch of personal action, to the realm of the community, Yves Simon describes the two essential functions of authority. The first essential function is choice of means toward common action. The second, and more important, function is the intention of the end which orders the choice. Let us describe the first of these functions.

In the ordinary course of things, community members give their attention to matters more particular than the universal goods of the community. Their personal action is undertaken for the sake of private, personal goods - seeking the welfare of me and mine rather than ours. The father's care for his family commands his attention, not matters of national welfare, or the saleswoman for a business seeks the good of her firm without any special concern for the common good of the larger community. The unity or rationale in the father's or the saleswoman's action derives from their personal practical reason. But whence the unity when the community is called to common action?

Perhaps all community members continually have an eye out for the common good, and when action on its behalf is called for, they are unanimous in their deliberated conclusion that thus and so must be done. Can unanimity account for the unity of action? It seems it can, so long as we can presume on the part of all relevant community agents both a right intention of the common good and agreement on the deliberated conclusion that this is the proper means. Under such a presumption we have common action and yet no need for authority. But how likely is such a scenario of unanimity?

In the absence of unanimity there can be no common action unless one turns to authority. Unanimity can fail for several reasons. First, it fails if all members whose efforts on behalf of the common good are required do not intend the common good, for the means are deliberated only with the end in view.

Secondly, even if all members intend the common good, not all necessary agents may agree on the proper means due to deficient practical reasoning, perhaps because of partial information, lack of experience, or simply a poor mind. And thirdly, it may well be that all relevant agents have the proper intention and exercise

excellent practical reasoning, but it just happens that there is more than one rationally defensible means. In all three cases authority is required. Authority makes the choice of means. It decrees for the community a course of action, securing practical agreement and channeling different desires to a single rationale through a mixture of simple obedience, persuasion, and coercion. Giving direction (deliberating the means) and coordinating the active impulses (the agents' passions and desires) are the two facets of authority's choice.

*Authority's Intention.* In the scheme of Aristotelian-Thomistic psychology, "intention" signifies the act of will whereby an agent adheres to the end attainable through choice. In the process of deliberating the means, the end is kept in view through the agent's intention and thereby exercises its teleological attraction. In the case of the common good we need to distinguish two degrees of intention. Every virtuous member of a community formally intends the common good. But only those members in authority need to intend the common good concretely. To explain this distinction let us consider the example of Beatrice and Katherine who belong to the same community. Beatrice is the gardener and Katherine is the governor. Beatrice loves the common good of her community and can be brought to act on its behalf when the concrete particulars of her role in common action are made evident. But her regard for the end is not a concrete one. She does not hold it in view in a way that provokes her practical reason to lay out the particular requirements for the materialization of the common good. Yves

Simon would say she intends the common good "formally" but not "materially." Beatrice's particular devotion is to the particular good of her garden. Her material intention of the good for the garden is what provokes her practical intelligence. Katherine, on the other hand, in virtue of her office of governor must intend the common good concretely. Her concrete regard for the end provokes her practical intellect. It is the governor in virtue of her complete love of the common good who lays out the requirements for the materialization of the common good. These requirements laid out become the rule which solicits the particular efforts on behalf of the common good exercised not only by Beatrice, the gardener, but by Kateri, the procurator, George, the gatekeeper, etc. On the basis of their own practical judgment Beatrice, Kateri, and George intend concretely or materially only their specialized, particular goods. Their love of

the common good is too sheerly formal to give them any authoritative responsibility for the common good. Only Katherine intends the common good materially as well as formally. Yves Simon calls this concrete, material intention of the common good, the “most essential function of authority.” To articulate and keep present in view the common good as a concrete intentional object is authority’s primary capacity.

Someone must turn to the common good with such detail and with practical reason in such readiness that there can be choice. One must want something precisely as what emerges against or in view of the common purpose. Such a view of the purpose must be sufficiently clear and intense so as to provoke practical reason to cast about for effective acts toward the realization of that end. For instance, someone must envision peace as a desirable object with sufficient care so as to coordinate the diverse efforts of one’s military generals and diplomatic corps. We are not here concerned with particular choices proper to the general or the diplomat, nor even with the particular goods of victory or negotiations, but rather with the concrete, effective love of peace which subordinates the more particular efforts of both general and diplomat to the cause of peace. Called “material intention of the common good” by Simon, this love differs from the sort required of virtuous citizens whose love of peace is not the sort to issue in a universal plan of action for the community.

*Two Differentiations in Community.* It becomes evident how authority responds to differentiations within a community. These differentiations provide the raw spiritual resources authority summons and forms in effective action. A good part of Simon’s genius consists in his account of authority as the positive complement to the very excellence of diverse centers of actions in a community. Further consideration of the differentiations bring us to the issue of personal freedom as a value to be essentially nourished by authority.

The fact that the human soul is possessed of both reason and will, combined with its intrinsic social nature, gives rise to two differentiations within a community. First of all, communal excellence results from *functional* specialization. The maintenance of a community requires the concentrated work of soldiers, judges, doctors, teachers, scientists, public administrators, etc. This differentiation can be taken two ways. In one sense we refer to the effective achievement of one’s personal, particular goods

by specializing and subsequently exchanging from one’s own surplus for portions of surpluses of a different sort won through the alternative specializations of others. The second sort of functional differentiation refers to the division within the agency devoted to achievement of the common good. For example, one might consider the division of the federal government of the United States into its executive, legislative and judicial branches, or the division of the executive into its various secretariats. In either case the overarching point is that the community is constituted in the attempt to more effectively achieve one’s good (particular or common) by cultivating diverse expertises with respect to parts of the total human good. The idea is commonplace; Plato makes the case for it in his *Republic*, so we need not rehearse it.

Let us emphasize, however, that part of the rationale for the second functional specialization is that it allows for an intentional devotion to a single aspect of the common good. And this devotion, in turn, allows for the accumulation of practical wisdom within the specialized crafts. Authority, however, is required to channel these specialized efforts toward the unity of common action. For example, the soldier’s excellence derives from his specialized devotion to his craft, but from within that craft there is no prudence for settling, let us say, peace negotiations. Yet the well-being of a community will require the competencies of both talents, as well as a sage integration of actions from both: this is the work of authority. It unifies the variety of creative but non-self-regulating functional differentiations among agents engaged in common action.

A second differentiation within the community regards its division into *subjective* parts. Simply put, the community consists of a certain number of individual persons, each one engaged as a mature citizen in the pursuit of his or her private goods. This division can be expanded so as to include subsidiary groups, as well as individuals, yet short of the complete whole. Such private agents, if they are to be virtuous, maintain a formal intention of the common good. Yet this formal intention need not deflect their energies of desire and prudence from their pursuit of private goods. To be sure, realization of the common good may well restrain one’s exercise of his private capacity. But the limitation comes as the work of another mind. Some other person puts extrinsic limits on what would otherwise be the naturally good pursuit of one’s own good. The “other,” of course, is authority. Nevertheless we should not think that au-

thority's restraint is altogether alien, for the opposition between a person's private capacity and authority's common capacity is not irresolvable. For the common good, in virtue of its universal and indivisible fecundity, in principle perfects each person in the community. And, correspondingly, each person, if true to his or her social nature, maintains a formal love of the common good.

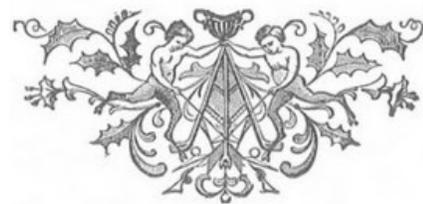
This formal love provides a foundation for the cohesion of a community. It is absolutely essential that there be common ground between ruler and ruled. Both look to the same common object as object of their perfection. Formal love of the common good makes possible obedience to the rule of prudence; a rule begotten of reason with view to the common good loved materially.

Furthermore, we should observe a positive compensating benefit to the private persons deriving from their differentiation from authority. Authority, properly wielded, frees private members for more concentrated pursuit of their private interests. In so doing, authority respects the mystery of individual persons exercising judgment on behalf of private goods. Given that human passion and desires target the good of others as well as self, and given the ingenuity of practical reason, and presuming within the community the existence of a critical mass of citizens with regard for the common good - it follows that a community that frees its members to follow the lodestar of their personal initiative is one most likely to enjoy the richest benefits of man's spiritual nature.

*Authority's Challenge.* Authority is, of course, always exercised by a person. Accordingly a community designates persons, inclined by nature toward the particular objects of their passions and desires, to hold in view, in a transcending way, the common good of the community. Persons in authority, considered precisely in their essential functions as authority, are required to abstract themselves from an exclusive material devotion to the private good of themselves and their own. Again Plato in his *Republic* probed this challenge, calling our attention to the consideration to be made by society providing for the authoritative persons and the personal virtues required by these persons if the community's actions are truly to be channeled on behalf of the common good. It is difficult to underestimate the personal difficulty, or to admire enough the achievement, of those persons who release their personal human capacities of will and rea-

son on behalf of the common good. The difficulty is perhaps evident in the widespread suspicion of abuse of authority's power to advance one's own family, friends, and personal fortune apart from concern for the common good. The truth of such corruption is well documented; the volumes of laws, ethical codes, and procedures guiding legitimate use of authority demonstrate its seeming inevitability. The evident potential for abuse and the perennial history of corruption justifies a good measure of suspicion; indeed it recommends that keenly cautious prudence typical of the *Federalist Papers*. Yet one must keep in mind that abuse does not take away use.

*On Behalf of Authority.* As we have seen, authority signifies communal prudence; it names the fundamental source of reason in the remarkable human capacity to act in consort, to harmonize diverse wills and reasons and desires in order to perfect the human community. Thus it appears that authority is an intrinsically good thing. Furthermore, as we have seen, authority appears in community in virtue of the mysterious richness of the human spirit. First of all, the plenitude of the human spirit gives rise to the functional and subjective differentiations to which authority responds. And secondly, the nobility of the human spirit shows in the moral and intellectual virtue to which some individuals rise in order to meet the challenge of authority's office. A richness, we must admit, at times measured by the rot of corruption its abuse breeds.

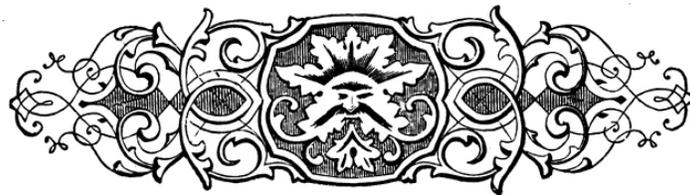


In this light we recall our opening remark on a counter-intuitive feature of Simon's concept of authority. Simon challenges the presumption of a contradictory opposition between authority and individual freedom. Yet as our account of authority has developed it has lost its contradictory opposition to freedom. To be sure, pursuits of individual and authoritative agents are separate: the common good sought by authority is incommensurable with particular goods sought by private persons, but this does not make a contradiction. Furthermore, conflicts are possible, and it would even seem that in the course of life's contingencies some conflicts are an inevitable feature of the civic landscape. However the acting soul of a human agent is rich enough to bear within it a formal intention of the common good alongside its ma-

material concern for the particular good, thereby providing a basis for a resolution of conflicts when they occur, a basis it should be noted, from within the resources of liberty itself. That is to say, obedience to authority expresses, rather than suppresses, an agent's freedom. To be sure, in some cases obedience tempers or disappoints one's drive for particular goods, yet that very drive for particular goods is typically nourished by the broad license well-ordered authority gives to private initiative.

In light of Simon's general theory, we come to see that authority's direct care for the common good indirectly promotes individual creative pursuit of particular

goods. Likewise we see that it is the same human freedom which is responsive to the dual claims of particular and common goods. We do not want to minimize, much less deny, vital tensions among hierarchical agents in civil society. We do hope to have disclosed, however, the foundation of a deeper unity or order in civil society: it lies in the vision of the human spirit's freedom, in its practical reason; able to choose and to love formally and materially both particular and common goods. The difficulty of respecting these loves and goods in theory and of doing them justice in practice may only be a directly proportional measure of the ability of the human spirit to do good by its own action.



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In this essay I have followed closely Yves Simon's *A General Theory of Authority*, intro. by Vickan Kuic (Notre Dame, Ind.: University of Notre Dame Press, 1962, 1980). The same doctrine is developed in other of Simon's works, most notably: *Nature and Functions of Authority*, The Aquinas Lecture, 1940, 2nd printing (Milwaukee, Wis.: Marquette University Press, 1948); *Philosophy of Democratic Government* (Chicago: University of Chicago Press, 1951); and *Freedom and Community*, ed. by Charles P. O'Donnell (New York: Fordham University Press, 1968).

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On the topic of the common good I found the following discussion helpful: Gregory Froelich, "The Equivocal Status of the Bonum Commune," *New Scholasticism* 63 (1989): 38-57; Jude P. Dougherty, "Keeping the Common Good in Mind," in *Studi Tomistici*, ed. L. J. Elders and K. Hedwig, 188-201 (Vatican: Libreria Editrice Vaticana, 1984), and J. V. Schall, "The Reality of Society in St. Thomas," *Divus Thomas* 3 (1980): 13-23. Michael Novak's *Free Persons and the Common Good* (Lanham, Md.: Madison Books, 1989) provides a challenging contrast to more traditional notions of the common good, so much so that he all but begs the question of authority, in spite of an appendix devoted to Simon.

Two contemporary thinkers who, like Simon, reflect out of a deep learning and have a keen sense of the meaning and role of authority in society are Hannah Arendt (see her "What is Authority?" in *Between Past and Future: Eight Exercises in Political Thought* (New York: Penguin, 1977), and *On Revolution* (New York: Viking, 1963); and professor of Roman Law, Alvaro d'Ors (see Frederick Wilhelmsen's "An Introduction to the Thought of Alvaro d'Ors," *Political Science Reviewer*, 1990).