A Thomistic Theory of Authority: Yves Simon

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A THOMISTIC THEORY OF AUTHORITY: YVES SIMON

by

John Alanson Lucal, S.J.

A Thesis Submitted to the Faculty of the Graduate School of Loyola University in Partial Fulfillment of the Requirements for the Degree of Master of Arts

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VITA AUCTORIS

John Alanson Lucal, S.J. was born in Oak Park, Illinois, on December 2, 1926.

He was graduated from the Oak Park and River Forest Township High School, Oak Park, Illinois, in 1944 and entered Harvard College, Cambridge Mass., to major in the field of government. From 1945 to 1947 he served with the U.S. Army in this country and in Germany. Returning to Harvard, he transferred to Georgetown University, Washington, D.C., in 1948, and continued his studies in government, history, and philosophy. He received the degree of Bachelor of Science in the Social Sciences in June, 1950 from Georgetown University.

In February, 1951, he entered the Jesuit Novitiate at Milford, Ohio, and in 1953 went to West Baden College, West Baden Springs, Indiana, where he was enrolled in the Department of Philosophy of the Graduate School of Loyola University, Chicago, Illinois, to pursue his studies for the degree of Master of Arts.

He taught at Loyola Academy, Chicago, Illinois, from 1955 to 1956, and then for two years at the Jesuit operated Tafari Makonnen School, Addis Ababa, Ethiopia.

In 1958 he returned to West Baden College to pursue his studies for the degree of Licentiate in Sacred Theology.
The original plan called for an exposition and critique of Professor Simon's entire theory of authority, thus including a discussion of the instruments and forms of authority, its transmission, and its relation to democracy. Since this project proved to be too ambitious, the present thesis has concentrated on a more restricted topic, that of Simon's philosophical theory of the nature and functions of authority and its relation to progress and liberty. This is a subject of fundamental importance in the world today.

Special thanks are due to Professor Simon himself and to Reverend Paul A. Woelfl, S.J., for their understanding and helpfulness.
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BIBLIOGRAPHY
CHAPTER I

INTRODUCTION

In 1940 the Aristotelian Society of Marquette University invited Yves Simon, then associate professor of philosophy at the University of Notre Dame, to give its annual Aquinas Lecture. This address, later published by the Society, set forth the then current state of Professor Simon's investigation into the nature and functions of authority: modern attitudes toward authority were summarized and the problem raised by them clearly stated; a provisional definition was given and explained; the functions of authority were then distinguished, analysed and demonstrated, and principles for a solution derived. This was a philosophical study of authority in general, rather than of merely political authority. St. Thomas was cited frequently, especially in the Summa Theologica, and conclusions were then reached in the light of the principles of ethics, epistemology, and rational psychology—the whole being based upon Thomistic metaphysics.

Eight years later, after publishing several articles on the subject, Professor Simon, now at the University of Chicago, gave the Charles R. Walgreen

\footnote{Nature and Functions of Authority (Milwaukee, 1940). This volume will henceforth be known as Nature and Functions.}
Foundation Lectures of 1948, in which he presented a further development of his theory of authority. These lectures were published in 1951 by the University under the title *Philosophy of Democratic Government*. As the title indicates, this work deals chiefly with democracy, but its first chapter offers an expanded analysis of the functions of authority, together with a more complete treatment of the ramifications of the theory: the instruments and forms of authority, its transmission, and its relation to liberty in a democracy.

The subject of the present thesis is restricted to Professor Simon's general theory of the nature and functions of authority as presented in these two basic works. They are the chief sources of the theory available at the present time; reference will be made, however, to Simon's other books and articles which clarify his basic positions. A discussion of the instruments, forms, and transmission of authority will be included whenever these ramifications shed significant light on the primary principles. Finally, a critical analysis of the theory will be presented.

Professor Yves René Marie Simon was born in Cherbourg, France, in 1903, and pursued higher studies at the Catholic Institute of Paris and the

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2Henceforth to be known as *Democratic Government*.

3It should be noted that Professor Simon has not yet completed his investigation of authority. He is at present finishing a series of twenty-one treatises on philosophical subjects, of which one is entitled *General Theory of Authority*, containing "a number of things which are not in *Philosophy of Democratic Government*."—From a letter of Prof. Simon to the writer, July 5, 1959. Cf. bibliography for articles by Simon touching on the present question.
University of Paris from 1920 to 1929. He taught philosophy at the Catholic
University of Lille from 1930 to 1938, and then, having come to the United
States, at the University of Notre Dame from 1938 to 1947. At present he is
professor of philosophy in the Committee on Social Thought, University of
Chicago. A frequent contributor to political and philosophical journals,
Professor Simon is also the author of the following books: Introduction à
L'Ontologie du Commaître (Paris, 1934), Critique de la Connaissance morale
(Paris, 1934), La Campagne d'Ethiopie et la Pensée Politique française (Paris,
1936), Trois Leçons sur le Travail (Paris, 1938), The Road to Vichy (New York,
1942), March to Liberation (Milwaukee, 1942), Prévoir et Savoir (Montreal,
1944), Community of the Free (New York, 1947), and Traité du Libre Arbitre
(Liège, 1951). He contributed to Philosophy of Nature by Jacques Maritain
(New York, 1951), and one of his essays, "The Doctrinal Issue Between the
Church and Democracy," is contained in The Catholic Church in World Affairs,
edited by Waldemar Gurian and M.A. Fitzsimmons (Notre Dame, 1954). He is also
translator, together with John J. Glanville and G. Donald Hollenhorst, of The

As the titles of his books indicate, Simon is both a philosopher and a
careful observer of modern political and social problems. A Thomist in the
tradition of Maritain, he is vitally interested in both the philosophical
foundations of democracy and such problems as colonialism, expanding govern-
ment, and the lack of community in modern society. The gravity of these and
other dilemmas of our day has not only led Simon to carry on his investigation
into their causes, but lends to his inquiry a significance which makes it
worthy of study.
The problem of the nature and functions of authority lies at the root of many modern dilemmas. Colonialism and the fight against paternalism in Asia and Africa, the difficulties of federalism—fragmentation versus centralization, increasing governmental powers in democracies despite ideological tendencies deeply rooted in the past, periodic revolution in many republics, and of course communism, which paradoxically promises the withering away of the State while imposing the most tyrannical authority—all of these problems in the political sphere derive from the problem of authority. Within the State, the basic social unit, the family, faces a breakdown of authority which is one cause of widespread juvenile delinquency. World government and apartheid could be added to the list of current problems which can be traced back to the fundamental question of the nature and functions of authority. The investigation conducted by Professor Simon is, consequently, not only timely, but vitally important in the modern world.

Citation of these varied problems does not, however, amount to the more fundamental desideratum: stating in succinct terms the basic problem of authority at the philosophical level. It is the task of the present thesis to state and then criticize Simon's investigation of the problem at this fundamental level of analysis.

Simon approaches the statement of the question in Nature and Functions of Authority in two different ways, one more speculative, the other more practical. He begins with the observation that almost all social thinkers have accepted the relation of authority and liberty as one of inverse proportion:

Radical anarchists excepted, no social thinker ever questioned the fact that social happiness is based upon a felicitous combination
of authority and liberty. However vague and ill-defined our concepts of authority and liberty may be, we realize at once that authority and liberty are at the same time antinomic and complementary terms. By saying that they are antinomic terms, I do not mean that their antinomic character is absolute and unqualified. I mean only that, in a certain sense and to some extent, those terms are undeniably opposed to one another. As to their complementary character, it is quite clear that authority, when it is not fairly balanced by liberty, is but tyranny, and that liberty, when it is not fairly balanced by authority, is but abusive license."

Note that for Simon pure authority and pure liberty are impossible. Therefore if "unrestricted liberty and boundless authority are fictitious conceptions, each of which implies its own negation together with the annihilation of society . . . the essential question is that of combining rightly the forces of authority and liberty." 5

Simon says that in a particular case this felicitous combination depends upon the prudence of the head of society; but since universal essences are involved in the contingencies of existential occurrences, this head needs principles to guide him in determining the proportion of authority to liberty which the given situation demands. This problem of proportion according to principles is what Simon says determined his research: the principles themselves are the object of the investigation. 6

But, he continues, the general problem might be stated in a more concrete way. Modern political and social consciousness "evidences an obscure belief

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5 Ibid., p. 2.

6 Ibid., p. 4.
that the progress of freedom is synonymous with social progress..." Even conservatives admit this belief, accusing liberals only of going too fast in the quest for a degree of liberty which society is not yet ready to assimilate:

Thus they admit, no less than liberals and progressives, the basic assumption that social progress is identical with the progress of liberty. Now this progress of liberty is ordinarily conceived as implying a decay of authority, so that three terms, social progress, the progress of liberty, and the decay of authority, are currently identified. What are the implications and what is the value of these identifications? This is a question that we shall be able to solve insofar as we shall be able to point out the principles involved in the notion of authority and liberty as opposite and complementary forces.

In his later book, Philosophy of Democratic Government, Simon inaugurates the discussion of authority in the first chapter with the following development of the second approach to the problem. The Marxist view of authority is one which sees its gradual elimination as a concomitant of the march of progress, a view which has reached its apogee in the Communist theory of the State. The State is ultimately destined to wither away; it is not, as in the Fascist conception, an absolute good, albeit caused by the evil in men. On the other hand, the "totalitarian increase of the powers of the state is a temporary measure necessary to bring about a social structure that will render the state unnecessary and establish forever the brotherhood of men." Yet, Simon points

7Ibid., p. 5.
8Ibid., p. 6. This was written in 1940, and subsequent references to the optimistic view of progress in Simon's works reflect the partial disillusionment of the optimists due to the outbreak of war and the realization of modern barbarity. Cf. Community of the Free, trans. Willard R. Trask (New York, 1947), pp. 84-103, where the beginning of disillusionment is, however, pushed back to the First World War.

9Democratic Government, p. 3.
out, communism did not originate this theory that the State will disappear when evil is finally wiped out and peace restored to society. It was rather liberal democracy which first worked out the theory that evil makes the State necessary. Simon recalls to our minds the words of Tom Paine: "Society is produced by our wants and government by our wickedness; the former promotes our happiness positively by uniting our affections, the latter negatively by restraining our vices . . . the first is a patron, the last a punisher."\(^{10}\)

This classic statement of liberal democracy neatly summarizes, according to Simon, the theory that government is rendered necessary not by nature, but by deficiencies—the theory which he calls "the deficiency theory of government."\(^{11}\) This theory, says Simon, is not to be confused with the theory describing government as a necessary evil, since a Fascist holds the State to be an absolute good, although made necessary by the evil in man. Nor is it to be confused with a systematic determination to prevent overgovernment based on the belief that the greatest social happiness results from the operation of individual initiatives, and on the assumption that there exists some ordering force in nature which inconspicuously directs chance occurrences toward some definite goal.\(^{12}\) This naturalistic optimism on which early liberalism thrived, says Simon, has become outdated due to the complexities of modern life. The

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\(^{10}\)Common Sense, in The Writings of Thomas Paine (New York, 1894), I, 69, cited in Democratic Government, p. 4.

\(^{11}\)Democratic Government, p. 5.

\(^{12}\)Ibid., p. 6.
liberal of today consequently favors more governmental activity rather than less, on the grounds that it has become a necessity for the preservation of society. 13

Simon cogently points out that in terms of the deficiency theory this is a bewildering situation. If evil alone makes government necessary, then "a demand for increased government activity means either increased evil or better awareness of evil or both." 14 But the fact of the matter is that in many cases it is progress, especially technological progress, which seems to call for more governmental activity. Simon will develop this idea later on, when he discusses essential functions of authority, and show that wealth increases the choice of means, rendering authority more necessary than ever. At present he is content to draw the conclusion that if progress demands more government, it is more necessary than ever to check the disorderly growth of the state by the power of clearly defined principles." 15

Up to this point, the statements of the problem determining the nature of the investigation have been entirely those of Professor Simon, drawn from the opening sections of his two principal works. No critical analysis has been given, since the final chapter of the thesis has been reserved for that purpose. It would be advantageous, however, to summarize here the state of the question as Simon eventually presents it, but to accomplish this task

13 Ibid., p. 6.
14 Ibid.
15 Ibid.
adequately it will be necessary to go beyond these opening sections and draw upon material which he presents under the consideration of the functions of authority. The purpose of this brief conspectus of the investigation, which is not Simon's own as regards organisation and therefore represents a statement of how the writer of this thesis understands the problem, is one of achieving greater clarity and precision in the treatment of Simon's theory as a whole.

Simon has said that the general problem is to find principles for the right combination of authority and liberty. This problem is not one which is faced by the State alone, but by all societies. Therefore the problems which Simon deals with are not purely political, although they apply pre-eminent in most cases to the State.

Since authority and liberty, according to Simon, are at the same time antinomic and complementary terms, it is to be expected that two general principles, antinomic and complementary in character, will emerge from his investigation. This is in fact the conclusion of Nature and Functions of Authority in so many words, although the same principles are not explicitly repeated in Philosophy of Democratic Government.16

Again, the problem of authority is not—and Simon says this very emphatically—the problem of who shall rule. He states that "throughout the history of political literature there is a tendency to identify the two following questions: a) whether society needs to be governed and b) whether it needs to

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16 Cf. Democratic Government, pp. 140-141, where three principles are given which parallel the two proposed earlier.
be governed by a distinct personnel . . . . The constitution of a distinct
governing personnel has to do with the modalities of authority, not with its
functions and the ground of its necessity. For Simon the true problem of
authority, in the sense that it is prior and more fundamental, is whether and
on what grounds some should rule and others obey in general, not in particular;
whether there should be any authority at all, not whether this or that person
or group should exercise it. This is the problem to which Simon addresses
himself.

Simon holds that authority has substitutional and essential functions, a
distinction which is extremely important to his whole theory. If authority is
substituting for a deficiency, i.e., the lack of something which should be
present (a privation), then authority is not essentially playing its own role—it
is making up for a deficiency which in the natural, unimpeded course of
human progress (whether in the individual, as he approaches maturity, or in the
society, as it develops the ability for self-government) will gradually be
supplied by truly natural means. Thus he says:

The inability of the minor to govern himself, to pursue his proper
aims by himself, is always based upon some deficiency. This
deficiency may be unnatural and abnormal, as in the case of the
insane or feeble-minded, and then it is a privation in the strongest
sense of the term, an evil. It may be, on the contrary, natural and

17 Ibid., pp. 37-38. Maritain, in his book Man and the State (Chicago,
1951), praises Simon for this distinction: "Professor Simon has rightly
stressed the fact that the basic problem of authority (as a right of people as
a whole) comes prior to the problem of the necessity for having authority
entrusted to a distinct governing personnel."—P. 127, note 11.
normal, as in the case of the child, and then it is no evil, but only a privation in the broad sense of the term. In any case, the notion of minority always refers to the lack of a quality which should be possessed if one is to be a person in the full sense of that word. The governing reason of the father is substituted for the reason of the child which is not yet fully developed; and when the working of reason is pathologically hampered in an adult, an officer representing society substitutes his reason for the deficient reason of this insane or feeble-minded person.\footnote{\textit{Nature and Functions}, p. 13. The example given refers to individuals, but the same would hold true of a whole people in a state of minority with regard to the ability for determining their own affairs.}

The view that authority has only these substitutitional functions is precisely the deficiency theory.

The important question which arises in connection with these two classes of functions is the problem of their limitation. Should authority as exercised in its substitutitional functions somehow provide for its own liquidation by educating its subjects out of their need for it? Is there some principle of autonomy which postulates that man should rule himself if he is able, or that smaller communities should be free from larger units insofar as they are able to govern themselves?

The other main class of functions is called essential; this group is made necessary by the very nature of man as such, as a contingent being, a social being, an intelligent being whose own knowledge is, however, limited in that he cannot know free future events. Do such essential functions exist? The deficiency theory would deny that there is any such function, and would go on to postulate the gradual decrease of authority insofar as the deficiencies which alone make it necessary gradually decrease.
The assumption that authority has but substitutional functions has far-reaching consequences, for if authority is made necessary by deficiencies alone, it will be destined to disappear insofar as the deficiencies which make it necessary disappear. This assumption does not mean that authority will ever vanish completely: it is clear that the child will never be able to accomplish self-government, and that there will always be feeble-minded and wicked people. It means that the amount of authority necessary in a society is inversely proportional to the perfection reached by that society and by the persons and the elementary groups which compose it. At the ideal term of human progress, the field of authority would be limited to the government of the youngest children. Thus, the law of progress would take the form of an asymptotic curve at whose unattainable term there would be a complete elimination of authority.19

On the other hand, if there are essential functions of authority, then authority might remain the same, or even increase, despite the elimination of deficiencies. Notice that one can hold the gradual disappearance of authority which is substitutional, and at the same time hold that authority as a whole will increase, but on entirely different grounds, grounds which are intimately linked to the nature of man himself, and will thus never decrease or disappear. Can a principle of authority be developed from such essential functions?

This manner of stating the question is not Simon's, but it has two advantages: that of unifying Simon's presentation and that of linking each of the two major divisions of functions of authority to the two antinomies and complementarities of liberty and authority. From the substitutional functions is derived a principle of autonomy which limits them—not being justified on the grounds of their own essence, they have need of limitation, **ab extra**. From the essential functions is derived a principle of authority which

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justifies them—being based upon nature itself, they are limited by their essence. This would seem to be what Simon set out to do in *Nature and Functions of Authority* and the same approach underlies his investigation in his second major work.

One last consideration seems called for in this discussion of Simon's research. Man and society can be conceived either statically or dynamically—either with deficiencies which are a given fact, or with deficiencies which can be overcome. Since man as an individual certainly overcomes deficiencies on his way to adulthood and as a social being has certainly overcome many of them since the days of primitive society, Simon's theory is valuable because he does conceive man dynamically. He relates the question of authority to the question of progress.

Granted this importance of progress—and it is both good history and good metaphysics, since all beings seek their perfection—it follows that useful results can be obtained from considering the functions of authority in a community of perfectly intelligent and virtuous men. Here there would be place for essential functions only. This is what St. Thomas does when he considers whether in the state of innocence man would have been master over man. His answer contains implicitly both of the principles which Simon seeks

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20 Pp. 46-47.

21 Pp. 140-141.

22 *Nature and Functions*, p. 16. Cf. *Democratic Government*, p. 19, where Simon points out that such societies are very real at lower levels. A family of this type can and does exist.

to demonstrate. The problem could be stated in this fashion, but since modern secularists do not hold Original Sin, Simon posits instead of innocence an ideal term of human progress, which they do hold. It is an excellent methodology for distinguishing the authority made necessary by man's deficiencies from the authority demanded by his nature, and for formulating principles which take into account man's dynamic thrust toward that state of perfection.

Simon's investigation of the nature and functions of authority, then, is an inquiry into its metaphysical grounds as the antinomy and complement of liberty. This is his great contribution. Other writers have expatiated at length on the origin of authority without showing its essential functions; still more have discussed the instruments of authority and the forms which it may take in society; but very few have treated of the basic grounds of authority itself. One can search long hours in vain for anything similar to Simon's research, though elements of the solution are certainly in Aristotle and St. Thomas. Throughout the history of Western political thought the deficiencies of mankind have been taken for granted as the justification of authority. But with the rise of communism and secularistic humanism, which claim on the one hand to overcome man's deficiencies by changing human nature, 2

2 Using these elements, as well as other Thomistic principles, Simon has constructed what this thesis therefore calls a "Thomistic theory of authority." But there is no unified theory of authority in St. Thomas, just as there is no "politics" of St. Thomas in the sense of a systematic treatise. The De Regimine Principum has little to offer; only the first book and part of the second are considered authentic. The most important material is in his philosophical and theological works. Cf. A. P. d'Entreves, ed., Aquinas, Selected Political Writings, trans. J. G. Dawson (Oxford, 1948), p. viii.
but are forced on the other--by their own deficiency theory--into still greater totalitarianism, it becomes imperative to examine more profoundly, as Professor Simon has done, the deepest roots of the nature and functions of authority.
CHAPTER II

THE NATURE OF AUTHORITY

Simon does not go deeply into the nature of authority by way of phenomenological analysis or an historical study of the term. It is rather by way of a complete analysis of its functions, he says, that a satisfactory definition can result. Nevertheless, he gives a provisional definition based upon common conceptions at the beginning of his inquiry in Nature and Functions of Authority. "Authority is an active power, residing in a person and exercised through a command, that is through a practical judgment to be taken as a rule of conduct by the free-will of another person." 

In discussing the elements of this definition, Simon does not specify what he means by an active power, but begins by saying that the seat of authority must always be a person. Authority can never take the form of an impersonal necessity, as Rousseau would have it. "When Rousseau urges the educator to have his pupil taught by nature rather than by men, to have him dependent on things rather than on persons, to have him led by inflexible laws rather than by the edicts of any human will; when he says that the child must act by

1Nature and Functions, p. 6.

2Ibid., p. 7.
necessity and not by obedience, we realize that he establishes the formula of every anti-authoritarian pedagogy.  

A digression on Rousseau and other adversaries of Simon's insistence on the personal source of authority seems to be in order at this point, in order to bring out more clearly and by way of contrast the nature of authority in Simon's theory. In *Philosophy of Democratic Government* Simon takes on his principal adversary to personal authority.

Simon explains that Rousseau was determined to do away with obedience to persons and to find instead a form of association in which each person, while uniting himself with all, may still obey himself only and remain as free as before. This he found in the theory of the General Will, which is not a person at all, but an impersonal being which a man may obey without loss of freedom. Simon rejects this theory, of course, but saves his greatest criticism for an aspect of Rousseau's political philosophy which was developed into what Simon, following a suggestion of one of its adherents, Paul-Louis Courier, calls the "coach-driver" theory of government. This theory is not so obvious in Rousseau as in others, yet "Rousseau has probably done more than anyone else to spread the ideal of an organization capable of doing away with the ethical substance of authority and obedience." In brief, this theory holds

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4*Democratic Government*, p. 148. This explanation of the "coach-driver" theory is taken from the chapter on sovereignty in democracy, pp. 146-154.
that the government is like a coach-driver who goes where he is told—in this case by the people. Insofar as the governing person is considered a leader, his is a leadership without authority; the people obey themselves alone.

This doctrine, which looks so deceptively like a theory of sovereignty of the people, seems to explain the operation not only of direct democracies like New England town meetings, but even of representative forms of government. In reality, it is masked anarchy, for both of these forms are endowed with real loci of authority. Even if the people do not transfer authority, there is still a qualitative difference between all of the citizens taken as private individuals and all of them gathered in an assembly in charge of community affairs and ruling by majority vote. In the latter case, it is the body, a moral person, which rules: authority is exercised by this person. True, those who vote with the majority may seem to obey only themselves when they obey the law they voted for, but what of those in the minority? Some would reply that they obey for utilitarian reasons only, but this approach to government not only weakens the unity of society—it cannot explain the universal conviction that laws bind in conscience. In a direct democracy as well as in any other system, Simon concludes, the nature of society demands that man should obey man.5

In Nature and Functions of Authority, Simon resumes his exposition of the provisional definition with a second observation, that this insistence upon

5 Ibid., p. 154. Simon points out that the "coach-driver" theory influenced the French Revolution and its followers, particularly in Latin America. It is well described in Jacques Maritain, Scholasticism and Politics, (New York, 1940), p. 93.
personal exercise brings out the difference between authority and law. Law can be conceived in a state of impersonality—we can speak of natural laws immanent in the impersonal course of events. In a lengthy note to this explanation, Simon expands upon the point. Considering the civil law as the prime analogate of a series of laws (which it is, *quoad nos*), we see that this positive law participates in a higher law, the natural law, found first in human reason, but only because recognized as immanent in human nature. If we stopped at this point, nature would be an irrational ultimate, not itself an ordinance of reason; therefore we must go beyond and see that the natural law participates in the eternal law, the reason of God. Ultimately we must arrive at a person.

But with authority, on the other hand, Simon holds that an *immediate* reference to a personal intellect and a personal will is apparently essential to the notion of authority. We cannot conceive authority without it, although we are able to conceive law without it, due to the state of impersonality enjoyed in nature by the natural law, one of the analogates in the series. The prime analogate of law *quoad se* remains, of course, the eternal law, which engraves participations of itself in created natures, which participations are then recognized by human reason and either promulgated as obligations (in the case of human nature), or expressed in scientific laws (in the case of non-rational beings). 6

If law and authority are taken in their most formal sense, Simon declares, then they are opposed just as universal necessities are opposed to the concrete

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6 *Nature and Functions*, pp. 50-53, note 2. Simon points out that the definition of Law given by St. Thomas in S.T., I-II, 90, refers properly to the law issued by state society.—P. 50.
and contingent aspects of the real. This is not to say that prudence has
nothing to do with laws, however. In the issuance of those positive laws
which are not mere deductions from the natural law (per modum deductionis)
but are positive determinations of it (per modum determinationis) prudential
reasoning is certainly called for. By means of this two-fold derivation of
positive law from natural, Simon continues, St. Thomas accounts for the
traditional distinction between the law of nations (jus gentium) and civil law
properly so called (jus civile). The former, because it can be deduced from
natural law, is established by demonstrable scientific reasoning and thus
pertains to moral science rather than to prudence and authority, if authority
is to be identified with governing prudence; the latter, because it cannot be
deduced from natural law, is elaborated by indemonstrable prudential reasoning
and thus pertains to prudence and authority. The law of nations is above
authority, the civil law is issued by it.

Thus, in Simon's view, authority does have a place in the legislative as
well as the executive power. Nevertheless, he says, when taken in their most
typical forms, law and authority are said in contradistinction to one another;
self-evident and demonstrable principles (natural law and law of nations)
realize more completely the ideal notion of law than do prudential deter-
minations (civil laws); authority, on the other hand, realizes more completely
the ideal notion of social prudence when it deals with particular and concrete
circumstances (executive decrees) than when it deals with more general and
lasting situations (civil laws). Thus there is almost an inverse proportion
of law to authority as one passes from natural law to particular executive
By stating that authority is exercised through a command, Simon wishes to emphasize the distinction between authority and coercion, a distinction which is important but frequently not made. "A common mistake is to identify authority with coercion, which is but the most conspicuous of its instruments."

In the system of Simon, authority has two instruments: persuasion, in which authority is less apparent but nonetheless real, and coercion, in which it is more apparent but often less effective. Persuasion is a moral force, a causal process whose proper effect is the origination of a certain disposition in the will of persons; coercion is a physical force, a causal process whose proper effect is a mechanical causality exerted by man over man. Simon expands upon the functions of coercion in a note in *Nature and Functions*, taking as his point of departure the articles in the *Summa Theologica* (I-II, 95, 1 and I-II, 91, 1) where St. Thomas discusses the raison d'être of the State. Simon says that although St. Thomas understands the power of coercion to be the distinguishing feature of state society, this implies neither that other societies lack some power of coercion, nor that this power is the essence of the State. The State alone has the power of unconditional coercion, but this power is only

7Ibid., pp. 70-73, note 10. The reference to St. Thomas is to *S.T.*, I-II, 95, 2. The conclusion of inverse proportionality is based on a statement by Prof. Simon in an interview with the writer, July 11, 1959.

8*Democratic Government*, p. 7. (The italics are in the original.) In this book Simon discusses at length several problems related to the instruments of authority, such as the borderline between them, threat, psychical coercion, the right to coerce, use of violence, and the distinctive stand of democracy regarding the instruments. Cf. pp. 108-127. These questions remain outside the scope of the present thesis.
a characteristic property following from its essence. 9

The third element of the definition, continues Simon, is that the command is to be taken as a rule of conduct. Authority is not essentially a principle meant to determine a theoretical judgment in the subject, because such a judgment depends ideally upon its object as the "only sufficient principle of its determination." 10 If the subject believes a proposition because of the authority of a teacher, or, in the case of supernatural faith, on the authority of God, then this authority is a substitute for the evidence of the truth of the proposition. The acceptance of this substitute is provisional; until the student or believer can actually see for himself the truth of the proposition, which alone necessitates the intellect, he must be satisfied with authority. When this truth is possessed, however, its substitute is no longer necessary. A state of perfection has succeeded to a state of imperfection.

"Faith is the beginning of eternal life and it will no longer be necessary or possible when the eternal life will be fully possessed. In other words, the authority of God and His Church, which determines the faith-assent, substitutes here below for the evidence of the divine Truth which will beatify our

9Nature and Functions, p. 53. Cf. also Democratic Government, p. 109. Important for Simon's later theory is the use of coercion for pedagogical purposes which he then cites from St. Thomas. This, however, is not essential to Simon's theory of nature and functions, except insofar as his emphasis on the pedagogical character of substitutional functions influences his later statements of the relation of authority and liberty. It is more important to the problem of authority in a democracy. Cf. Democratic Government, pp. 115-122.

10Nature and Functions, p. 9. Simon says here that the theoretical judgment is de jure thoroughly determined by its object; otherwise it is not perfect.
intellects in the promised vision." In the case of a reliable witness, whom we believe, the term authority is taken in a less rigorous sense, since he is not empowered to oblige us to believe him. "It is clear, on the other hand, that this authority improperly so-called, is but substituted for the evidence of facts which we are unable to see for ourselves."

Simon has little more to say explicitly on the nature of authority. As he has stated, a complete analysis of its functions is necessary to derive a satisfactory definition. In Democratic Government Simon makes the statement that "authority, according to the diversity of its functions, calls for diverse interpretations in terms of foundation, duration, relation to progress, and relation to freedom." Since he does say this, it might be well to list these functions as he presents them in Democratic Government:

Thus the analysis of the functions of authority set forth in this chapter does not claim to be complete; a complete list would comprise (1) the substitutional function exercised by authority in the order of theoretical truth (magisterium, "teaching authority"); (2) the substitutional function exercised by authority in the guidance of immature and deficient persons or societies toward their proper good (paternal authority); (3) the substitutional function exercised by authority in the unification of action for the common good when the means to the common good is uniquely determined (so that there should be unanimity); (4) the essential function exercised by authority in the unification of action for the common good when the means to the common good is not uniquely determined (so that there is no ground for unanimity); (5) the most essential function exercised by authority in the volition of the common good, and of the whole of the common good materially considered; (6) the

11 Ibid., p. 11.
12 Ibid.
Thus Simon says that authority has three substitutional functions, of which one is in the order of theoretical truth, two essential functions, of which one is more essential, and one perfective function.

Since the nature of authority is under consideration, it is important to consider whether authority, in Simon's system, is an analogous term. The statement that it calls for diverse interpretations in terms of foundation, duration, relation to progress, and relation to freedom, according to the diversity of its functions, might seem to indicate that the use of an analogy is evident. Yet this requires careful clarification, for the requirements for an analogous use must be stated. Simon says that the criterion is whether or not the differentia is extraneous and added to the common ground; if it is, there is univocity, and if it is not, there is analogy. In his theory, as it has been presented in written works, the question of whether authority is an analogous term has not been made perfectly clear, he admits, but it is a question which he is currently investigating; for the present he is willing to state that there is certainly an analogous use of the term when speaking of the two orders of truth, the theoretical and the practical. From this one may conclude that Simon did not intend an analogous use of the term as covering

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14 Ibid., p. 61, footnote 23 as continued from p. 60.

15 These statements concerning analogy were made by Professor Simon in an interview with the writer on July 11, 1959. He said furthermore that he was preparing an article on analogy for publication in several months.
all the functions, but rather precluded from the question.

The instruments of authority have been mentioned insofar as they cast light upon its nature. A word should be said about the forms of authority for the same reason. Simon says that authority can be exercised in various forms, but that there is a basic division of these forms into two kinds:

I refer to the distinction made by St. Thomas between the so-called dominium super servos and the so-called dominium super liberes, let us say dominion of servitude and dominion of freedom. This distinction is taken from the ends pursued by the authority exercised by one man over another. When a man is governed for his own good or for the common good of the society of which he is a member, this man is said to be free. On the contrary, one who is governed for the private welfare of a master is said to be a slave. Simon points out that this is not the same as the distinction between the regimen politicum and the regimen despoticum, which is based on a difference in efficient causality, i.e., whether the subject has the right to resist. Nor does the distinction between substitutional and essential functions correspond to the distinction between the two great kinds of dominions which constitute the basic divisions of the forms of authority. This whole question will be considered later on in the discussion of authority and liberty.

One last consideration concerning the definition proposed by Simon should be mentioned. He says that authority is an active power, but he does not use the word right, a term usually employed by Thomistic and other Scholastic

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authors to denote a moral power, a legitimate claim, to exact obedience. Yet Simon does wish to include this notion of obligation in his provisional definition, as is shown by his use of the words to be taken, words which show that the command ought to be obeyed. Additional evidence for this interpretation is his statement that the authority of a mere witness to some truth is really only authority improperly so-called, unless he has some power to oblige us to believe him.

Does this obligation to obey authority bind in conscience? Simon would say that it does. In *Philosophy of Democratic Government* he says that "things take place in civil relations, not exceptionally but regularly, as if some men had the power of binding the consciences of other men. The factual behavior of men in society testifies to the regular operation of an ethical motive of obedience."

But, he continues, it is not true that a man can bind the conscience of another man; God alone can. And so a paradox arises: How can we account for the fact of social life without assuming that a man can bind the conscience of

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18 Cf. Jacques Maritain, *Scholasticism and Politics* (New York, 1940), p. 92: "I shall mean by 'authority' the right to direct and command, to be listened to or obeyed by others. And I shall mean by 'power' the force, which one can use ... (to) oblige others to listen or obey." Cf. also J. Donat, S.J., *Ethica Specialis* (Innsbruck, 1934), p. 84: "Auctoritas est ius membra efficaciter in finem societatis dirigendi.

19 This statement was confirmed by Prof. Simon in an interview with the writer, July 11, 1959.


21 *Democratic Government*, p. 145.
his neighbor? He then discusses the coach-driver theory, which proposes a solution to the dilemma by denying that man's conscience is ever bound at all, only to reject it as false and conducive to the destruction of society by secession. The true answer, he says, lies in the nature of man as created by God: "If government, as distinct from unanimity, is made necessary by the very nature of things, the obligation to obey has its roots in the very nature of things, in the very nature of man and of human society."22 The paradox is resolved: only God can bind the conscience of a man, but God can bind a man to obey another man. "This he did by the creation of the human species, which is naturally social and political; for the necessity of government and obedience follows from the nature of community life."23

22Ibid., p. 154.

23Simon's use of this paradox led to criticism, however. In an otherwise favorable review of Philosophy of Democratic Government published in The Philosophical Review, LIX (April 1952), 198-211, entitled "An Ambiguity in Professor Simon's Philosophy of Democratic Government," Professor Arthur E. Murphy of Cornell declared that Simon's statements about binding in conscience allowed of a very unfavorable interpretation. He thought Simon might be understood to hold that God transmits to men in toto His own power to bind consciences, so that officials have a kind of political authority over consciences which men must acknowledge on the authority of the officials, making it immoral to disagree with the government. He seemed to doubt that Simon was avoiding the pitfall of delivering the source of the obligation to obey into the hands of those to be obeyed. Greater familiarity with the Scholastic tradition, plus a more careful reading of the lines quoted above (which establish natural law as the ground and limitation of obedience), might dispel this doubt. Yet Simon himself, in an interview with the writer (July 11, 1959) admitted that his own presentation was not entirely clear and thanked Murphy for his interest and his criticism, which, he said, had set him to consider the process of the binding of conscience more intensely, and ask whether God alone can actuate the spiritual faculties of man.
By way of conclusion to this presentation of the nature of authority according to the theory of Simon, it should be pointed out that he does not in works subsequent to *Nature and Functions of Authority* give any further definition of authority or elaborate specifically upon the elements of the provisional definition which this work contains. The student must follow Simon's word of caution and derive his own complete definition from an analysis of the functions, and hope that Simon himself, when his investigations are complete, will provide that finished definition which it is the task of philosophical research to achieve.  

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24 Simon says that he carefully refrained from giving a definition of authority in Democratic Government, since he was considering it *in actu exercito*. He believes it better not to give a complete definition until all problems have been solved. -- Information from an interview with the writer, July 11, 1959.
CHAPTER III

THE SUBSTITUTIONAL FUNCTIONS OF AUTHORITY

The substitutional functions of authority are those which are made necessary by some deficiency in man. Simon elaborates on the concept of deficiency in various places and ways. He says that the concept admits of degrees, but it always signifies the lack of a perfection that a subject should possess in order to satisfy fully the demands of its nature. A deficiency may be an evil, as is the abnormal condition of a feeble-minded adult, or it may not be an evil, as the immature condition of a child is not; in the former case it is a privation in the strict sense and in the latter a privation only in the broad sense of the term. More specifically, a deficiency may be the lack of intelligence in a child or student who cannot grasp the evidence of a demonstration; it may be the lack of maturity necessary for self-government in a child, or in a society; it may be a lack of intelligence, knowledge, or information, or even of requisite virtue in a normal

3Ibid., p. 10.
4Ibid., p. 12.
5Democratic Government, p. 11.
person. To sum up, a deficiency is a privation either in the strict sense, when it is an evil, or in the broad sense, when it is not. By privation, Simon means what Aristotle and St. Thomas understand by the term as it is explained in the Metaphysics and the Commentary. 7

Since Simon's doctrine of the first substitutional function of authority, the teaching function or magisterium, has already been presented, and since this function does not play an important role in his general theory, the following summary should suffice. Teaching authority is exercised in the order of theoretical truth when the authority of the teacher substitutes for the evidence of facts which the subject cannot grasp by himself, although this evidence of the object is the only cause which can de jure determine the assent of the intellect. It is authority in an analogous sense, since it is not exercised in the order of practical truth, and if the person believed has no power to oblige the subject to believe him, then his authority is only improperly so called. 8

Although the teaching function does not enter into the general theory of authority of Simon, he does call attention to the connection between the modern struggle for liberty from government and the rejection of authority in intellectual matters. He says that the "history of the modern struggle for

6 Ibid., p. 28.

7 Information from an interview with the writer given on July 11, 1959, by Professor Simon. Simon rejects entirely the notion of metaphysical evil, he says, and denies it exists. For him mere absence of a perfection cannot be a privation.

liberty is to quite a large extent made up of a rebellion against the imposition, upon the human mind, of any definite way of thinking. Modern liberalism is above all a claim for the freedom of thought.9 And yet, he continues, this teaching function is constantly necessary, for the "most learned treatise of science contains relatively few statements that are fully evident to the author: around this nucleus of personal scientific certitude is organized a huge complex of statements which are simply believed on the authority of other minds."10 The liberal refusal to accept magisterium may be a tribute to the ideal of objective evidence, but it is also a proud refusal to recognize that for the human mind the acquisition of truth is a slow, progressive and always precarious achievement. Most of all it is a "monstrous spurning of the most invaluable gift that the divine generosity could make to man, the revelation of the secrets of divine life."11 Thus for Simon the teaching function is a necessity in this life, both in matters of human knowledge and of Faith.

The second substitutional function of authority, says Simon, is paternal authority, that authority exercised by one person over another in the practical order on the ground that the latter is unable to rule himself.12 He continues:

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10Ibid., p. 101.

11Ibid.

A minor is a person supposedly unable to govern himself, that is, to provide for the right order to be assured in his actions, even within the field of his personal aims. A minor is supposed to be incapable of knowing what is good for him—this is why another person has to guide him in the very pursuit of his proper good . . . . This is the case with children and this is also the case with the insane, the feeble-minded, or the criminal, who are legally considered, as well as children, to be minors . . . . The inability of the minor to govern himself, to pursue his proper aims by himself, is always based on some deficiency.13

Note that paternal authority is exercised over a minor, and aims at the achievement of his proper good, apart from any common good which may be involved. It is based on a deficiency and is therefore substitutional. Lastly, adds Simon, it is pedagogical and aims at its own disappearance, which follows from its substitutional character. It is wholly good for a child to be guided by a mature person, but the main purpose of this guidance consists in the attainment of the ability to exercise self-government. If paternal authority remains necessary past the earliest possible date for its disappearance, it has failed to a degree; if it intends its own maintenance and manages things in such a way as not to have to disappear, it is guilty of abominable abuse.14 This pedagogical nature of paternal authority, so obvious in the family, extends also to its other fields of exercise, which take their name from its familial use, "following the good usage that extends to the whole genus the name of the most familiar species."15

13 Ibid., pp. 12-13. The order of sentences is changed.


15 Ibid.
Simon gives some examples of these other situations where paternal authority is exercised. First, it used to be thought that all women were in a permanent state of minority; consequently the law gave the husband, father or guardian paternal authority over them—until the feminist movement challenged the tradition, but mistakenly argued for an end to the husband's essential authority in the man and wife community as well.16

Secondly, a smaller governmental unit such as a city may be subjected to the paternal authority of a larger unit, if it is not able to govern itself. This illustrates Simon's statement that the proper good of the subject to be achieved by paternal authority is not necessarily an individual good. The case of territories in the United States is well known: their legal status is one of immaturity; until they are ready for statehood, the federal government subjects them to guidance in their own affairs by means of paternal authority. The guidance is substitutional because it supplies for the deficiency to which a new area of settlement is normally subjected, and it is pedagogical because it aims at the termination of the state of minority and the conferring of statehood once the territory has achieved maturity. The same principles should hold in the case of colonies being governed by other powers, but Simon says that the extreme frequency of abuse gives an appearance of dishonesty to any interpretation of colonial rule in terms of ethics. Yet the concept is intelligible, and the conditions under which it finds expression are by no means fictitious.17

16 Ibid., pp. 9-10.
17 Ibid., pp. 11-12.
Simon here adds that the grounds for paternal authority have not always been made clear in the case of colonialism:

When European nations, for example, subjected to colonial rule the tribes of Equatorial Africa, their action was rendered suspicious from the beginning by the fact that these tribes were not, prior to the establishment of power by conquest, contained in these nations. Plainly, there is no ground for the paternal authority of one community over another unless the latter is contained in the former as a child in his family. The colonization of African tribes by European nations had an ethical title if, and only if, the colonizers acted as agents of the human community, then entirely unorganized. With such attempts at the organization of the human community as the League of Nations and the United Nations, things became definitely clearer; the character of colonial rule as paternal authority was proclaimed and to some extent sanctioned. The very substitution of the words "mandate" and "trusteeship" for the word "colony" signified that the justification for the rule over primitive peoples resided in duties of paternal authority to be discharged by mankind toward immature societies.18

It is interesting to note that Simon repudiates any ground for paternal authority in a specific case unless the subject is contained in the ruling community as a child in his family. Here he is discussing the second question of authority, the question of who shall rule and what his specific title may be. In the same way, then, one could speak of a father's specific right to paternal authority over his children because they are his own progeny. But this is not the same as the justification of paternal authority in general, and he does not descend to this secondary level very often in his investigation.

Thirdly, Simon cites the example of paternal authority exercised within a country by an upper group over a lower one, as in North Africa, the southern states, and the Union of South Africa. This is usually based upon the assumption that the lower group is incapable of majority, and as a result it is

18 Ibid., p. 12.
contained within the community (identified with the upper group) as a kind of permanent guest under paternal rule. While this sort of authority has operated widely for centuries, in our time it does not work either harmoniously or silently. This colonial rule at home is related to the conservative theory of the common people, says Simon. The few men of wealth, property and education identify themselves with the nation; the many are like an inferior race, and make up a distinct community inside the state which is governed by the few; they are in a class with children, the feeble-minded, felons, primitives, etc. This feeling of paternal responsibility by the few may be sincerely motivated by concern for the common man, as it seems to be in the case of the Marxian theory of revolutionary leadership which declares that the proletariat is not yet a mature person: the few may sincerely wish to turn out from among their own number an elite capable of governing the masses for their own good. Simon remarks that there is nothing particularly mysterious or perverse about such an ideal, but it is not a democratic one.

And yet, having concluded his examples of paternal authority, Simon says that all paternal authority is animated with a dynamism of autonomy--its very essence as substitutional entails its being pedagogical and it must aim at its own disappearance:

It is impossible to posit the principle of paternal authority without positing simultaneously a principle of autonomy. With regard to the proper good either of the individual or of the group, the possibility of self-government makes it obligatory for authority to disappear; and the possibility of progress toward self-government makes it

20Ibid., pp. 13-14.
obligatory for authority to follow the ways of such progress . . . .
Insofar as government exercises paternal authority, it is plainly
ture that the best government is that which governs least. 21

Nor is this dynamism of autonomy confined to democratic government alone, in
Simon's view. "The annihilation of paternal authority into autonomy, whenever
possible, is an affair of justice, not an affair of democracy." 22

The third substitutional function of authority is the unification of
action for the common good when the means to the common good is uniquely
determined. Note that this function aims at a common good, not the proper
good of the subject. In his first statement of the theory in Nature and
Functions of Authority, Simon did not distinguish between this function and
the one which follows, the unification of action for the common good when the
means is not uniquely determined. Consequently it appeared as an essential
function in this work. As a result of a criticism by Maritain, 23 however,
Simon revised his theory and in Philosophy of Democratic Government made this
third function substitutional, isolated from it a fourth, essential function,
and added a fifth, essential function which he had developed in the meantime,
as well as the sixth, perfective function. It remains true, however, that the
third (substitutional) function and the fourth (essential) function remain
closely connected, since both have to do with the unification of action for the

21Ibid., p. 15.
22Ibid.
23Cf. infra, p. 10.
common good.

Let us suppose, says Simon, a society made up of intelligent and virtuous persons. This is not a utopian fiction if we restrict our view to small groups such as families. Even in such a community unity of action for the common good cannot be taken for granted; it has to be caused, and if it is to be steady, it has to be assured by a steady cause. If the members of a family cannot agree and each go their separate ways, common life ceases, at least temporarily; there is no common action.\(^24\) Simon then continues:

Now unity of action depends upon unity of judgment, and unity of judgment can be procured either by way of unanimity or by way of authority; no third possibility is conceivable. Either we all think that we should act in a certain way, or it is understood among us that, no matter how diverse our preferences, we shall all assent to one judgment and follow the line of action that it prescribes. Whether this judgment is uttered by a leading person or by the majority or by a majority within a leading minority makes, at this point, little difference. But to submit myself to a judgment which does not, or at least may not, express my own view of what should be done is to obey authority. Thus authority is needed to assure unity of action if, and only if, unanimity is uncertain. The question is whether unanimity can be established in better than casual fashion among the perfectly clever and well-intentioned members of a society which is, by hypothesis, free from deficiencies.\(^25\)

Simon has thus pointed out the real question: if unanimity concerning common actions to be undertaken can somehow be steadily assured, then there will be no need for authority. He posits a society free from deficiencies in order to eliminate the possibility that unanimity might be prevented by them; if the problem can be solved in this ideal society, then the solution will

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\(^{24}\)Democratic Government, p. 19.

\(^{25}\)Ibid., pp. 19-20.
apply *a fortiori* to societies whose members have deficiencies, in which unanimity is all the more difficult to obtain.

Simon begins his attack on the problem by considering unanimity in scientific matters. "De jure, it is always possible to necessitate unanimous assent to a scientific proposition; unfolding the demonstration is all that needs to be done. Let it be said that a genuinely scientific proposition is, *de jure*, communicable without limits."26 He adds that *de facto*, of course communicability may be limited by the accident that only a few people can understand the terms and follow the demonstration. But this limitation is not caused by the object of knowledge itself, since "in the field of scientific thought, unanimity is guaranteed, *de jure*, by a process of rational communication whose possibility results necessarily from the nature of scientific objects. Faultless scientific minds, no matter how many, would be unanimous with regard to scientific truth."27

Does the same communicability hold for practical propositions? Do they possess the power of commanding unanimous assent when conditions are entirely normal? This is the next step in Simon's questioning, and he turns to the Aristotelian theory of practical certainty and practical truth as the next step toward an answer. He says that the very exacting definition of science in the *Posterior Analytics* seems to make hopeless the case of certainty in

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practical matters. *If the certainty of science demands that the scientific object should possess the kind and degree of necessity that is found in universal essences alone, it seems that practical knowledge admits of no certainty, for human practice takes place in the universe of things that can be otherwise than they are.* 29 The world in which we live is a contingent one; events constantly give the lie to our prudence. Simon's example of this is the man who carefully planned a trip for his family. A train wreck occurred and a child was killed. Yet the father had a right to believe that he had selected the best course of action; although his belief that the trip would be a good thing was contradicted by events, his practical judgment was the right conclusion of a properly conducted deliberation. The judgment turned out to be false; it was at variance with facts and was not in conformity with the real, not certain. Yet it was what it was supposed to be, the product of love and devotion; its agreement with the demands of a good will was certain. The conclusion is that the "conformity of a practical proposition with the real cannot be perfectly established; but such conformity is absolute truth, theoretical truth; it is not the truth that belongs to the practical proposition qua practical. Practical truth is a relation of conformity between a judgment or a proposition and the requirements of an honest will." 30

28 Ibid., p. 21. Simon refers to Aristotle, Ethics, 6 and St. Thomas, S.T., I-II, 57, 4-6; 58, 1-5; 65, 2; II-II, 47-56. 7 Note 29.

29 Ibid.

30 Ibid., p. 22. Simon cites Aristotle, Ethics, 6, 2, 1139a21 and St. Thomas, S.T., I-II, 57, 5 ad 3; he also says that Cajetan's commentary is very enlightening.
Simon states that so far as its cause is concerned, the practical judgment possessed with practical certainty is an example of affective knowledge. In rational knowledge we do not find the answer to a theoretical question by being docile to the inclinations of the heart. But practical knowledge is different:

On the contrary, when I am concerned with the question "what do I have to do, here and now, in the midst of this unique, unprecedented and unrepeatable congeries of circumstances, in order to make a good use of my freedom, in order to preserve the good of virtue?" I know that no deduction, no induction, no argumentation, can supply the final answer. The science of ethics, i.e., the rational knowledge of morality, would supply an initial answer but not the final one. Between the last rationally established conclusion and the entirely concrete rule that action demands, there is a gap that no argumentation can bridge. Doubt cripples action, or an uncertain rule is issued, unless the will and the heart are so dedicated to the good of virtue that their inclinations can be relied upon . . . . Unlike scientific judgment, practical judgment, for the very reason that it is ultimately determined by the obscure forces of the appetite, does not admit of rational communication. It is, as it were, a secret.31

Thus the practical judgment depends upon the inclinations of the appetite. More than that, says Simon: the virtue whose act is certain knowledge of practical truth presupposes all moral virtues, and that virtue is practical wisdom, or prudence, the virtue which arrives at decisions unattainable by science alone.32

In Nature and Functions of Authority Simon points out that in the

31 Ibid., p. 24. On affective knowledge he cites St. Thomas, S.T., I, 1, 6, ad 3; II-II, 65, 1, 2; 95, 2, ad 4; III-II, 45, 2. John of St. Thomas and Maritain are also cited.

32 Ibid., p. 25.
practical judgment, the prudential decision, there is a twofold truth. There is some theoretical consideration referring to the reality of things: in the example of the man planning the trip the theoretical consideration was that the trip was to be a good thing. This proved to be untrue; events showed that it was not in conformity with fact. This theoretical consideration implied in the practical judgment "cannot be established with an entire certainty because we are unable to overcome the mysteries of contingency, because we are unable to see the future with certainty." But there is another truth in the practical judgment: its conformity with right appetite—not the truth of a cognition, but the truth of a direction. Whatever the factual consequences of a decision may be, there can be in that decision a steady principle of indefectible truth, not theoretical but practical truth. That principle is prudence.

Simon goes on to say that there is thus a possible discrepancy between the practical validity of the prudential judgment and that of its theoretical implications. No matter how careful the deliberation preceding the prudential judgment, it cannot demonstrate its theoretical conclusions. Contingency always leaves room for possible lack of conformity with reality. If it were possible to demonstrate the theoretical considerations derived from the deliberation, then the practical or prudential judgment would follow


necessarily and share their evidence.\textsuperscript{35}

As a result of this train of reasoning, Simon concluded in \textit{Nature and Functions of Authority} that the prudential judgment is never communicable, or, to use the term he then employed, intersubjectivable. Since the theoretical conclusions upon which it is based cannot be demonstrated, it can never be shown that this or that practical judgment, to be taken as a rule for common action, is the best possible one. Therefore any member of the community could object that another course of action is better. Therefore all members must submit themselves to one prudential decision—which is to obey authority. Authority is always necessary, if common action is to be agreed upon. This is an essential function of authority based upon the nature of the prudential judgment.\textsuperscript{36}

In a review of \textit{Nature and Functions of Authority}, Professor Jacques Maritain praised Simon's work in general, but took issue with him on the question of the communicability of the prudential judgment. He sums up Simon's position as follows: even in a community of perfectly intelligent and virtuous men the necessity of a ruling authority is required by the nature of things, since in the order of prudential judgment no agreement is certainly and de jure to be expected even from such men.\textsuperscript{37} Then he says:

\textsuperscript{35}\textit{Ibid.}, pp. 27-28.

\textsuperscript{36}\textit{Ibid.}, pp. 28-30. This paragraph is a summary of the argument and is not complete. The argument will, however, be given in greater detail, with qualifications, in the following chapter.

\textsuperscript{37}\textit{Review of Politics}, III (April 1941), 252.
Now this seems to be certainly true even of perfectly intelligent and perfectly well-informed men. But if they are at the same time perfectly virtuous, what must we say? Prudence as such is infallible; therefore, if we suppose two men perfectly intelligent, well-informed and virtuous, placed in the same circumstances, will not the prudential judgment of these two men necessarily be the same, since in both of them it is taken in conformity with an appetite that perfect virtues cause to be right toward the end? If such is the case, we should say that in a community made up of perfectly intelligent, well-informed and virtuous human beings, there will surely be agreement among them in the prudential judgments concerning the good of this community,—an agreement which is not due to any demonstration, but to the common rightness of their appetite for the end.38

Simon acknowledges the value of this criticism in Philosophy of Democratic Government. He says, "In an earlier writing on the subject of authority I stated that, on account of the incommunicability of the prudential judgment, unanimity in practical matters is always precarious or casual. I wish to criticize this view, in which I now recognize a serious error."39 He adds in the footnote, "I was assuming that rational communication alone can assure unity of judgment. For the correction of this error, as well as for countless greater blessings, I am indebted to Professor Maritain."40

However, Simon qualifies Maritain's criticism when he adds, "The problem of the plurality of the means is not considered here. Plainly, 'the common rightness of their appetite for the end,' which causes unity with regard to the end and the necessary means, does not cause unity with regard to a particular

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38 Ibid.
40 Ibid., p. 25, note 15.
means in no necessary connection with the end. Simon then gives the example of a nation attacked or threatened by another, when fighting alone can preserve the common good. Yet it is never possible to demonstrate that whoever loves the common good must support a policy of war: war is risky, and abstention may not bring about the supposed evils. A single policy is imperative, however. Now even if all the citizens of the nation were virtuous and enlightened, unity could not be achieved by rational communication, by demonstrating a proof. But there is another possible cause of unanimity, for "the analysis of practical judgment, which rules out rational communication as a steady cause of unanimity in these matters, shows also that a steady cause of unanimity is found in the inclination of the appetite, whenever the means to the common good is uniquely determined. If, and only if, there is only one means to the common good is the proposition enunciating this means the only one that admits of practical truth. It is the only one that conforms to the requirements of a properly disposed appetite, and a properly disposed appetite cannot make any other proposition win assent." In the example given, the nation whose common good demands a policy of war, unanimity can be caused by the virtuous inclination of the appetites of the citizens. What of those who might refuse to fight, even though the common good demands it? Simon says that they might do so because they lack intelligence, information, or virtue--but that in any case "their error is definite and traceable to a deficiency, which may or may not involve

11 Ibid., p. 26, note 15 continued from p. 25.
12 Ibid., pp. 26-27.
Unanimity must follow if all the citizens are virtuous.

This happens not rarely, says Simon, when the means to the common good is uniquely determined. In the daily life of small communities unanimity plays a great part as a factor of unified action. In larger societies such as the nation, the surprising thing is not that complete unanimity is never realized, but that situations closely resembling it frequently arise when there is a serious threat to the common good. In such cases, unanimity among the substantial majority of those interested—who are perhaps only a minority to the nation in themselves—suffices. It may be doubted whether a society without this ability to achieve unanimity in the hour of peril still retains the character of a community, for disintegration has gone so far. Its hopeless plight bears witness to the normality of unanimous assent by means of affective community to the uniquely determined means of common salvation. Authority, then, is normally required in such cases only insofar as wills are weak and intellects ignorant or blinded. Its function remains substitutional.  

In a later work, however, Simon adds something to his consideration of this substitutional function of authority. He says that in most cases there exist more than one means to the common good; in fact, if one takes into account all the particularities and modalities of the means available, this uniquely determined means to the common good in never found.  

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43 Ibid., pp. 28-29.
44 Ibid., pp. 29-30.
statement to the example given above, and derive the conclusions which follow, Simon would say that while a policy of war was the uniquely determined means in general—a means which would obtain unanimous support through affective community among virtuous and enlightened men—this policy would never be uniquely determined in all of its many details: how many troops should be employed, what strategy should be followed, etc. There is always room for disagreement on the details of any means, even if the means as a whole be uniquely determined. This possibility of lack of unanimity points the way to the function of authority which is required in such cases, a function which is essential.
CHAPTER IV

THE ESSENTIAL FUNCTIONS OF AUTHORITY

After determining that authority has substitutional functions, Simon says in *Nature and Functions of Authority*, "The question is now whether authority has any essential function; whether the necessity of authority always results from some deficiency; whether authority, when necessary, is necessary solely on the ground of some defect in the one who is subjected to it." He then begins his analysis of the prudential judgment and finds the essential function of authority in the unification of action for the common good. In *Philosophy of Democratic Government*, on the other hand, his theory has developed to the point where he considers authority as a cause of united action in two ways: first, when the means to the common good is uniquely determined, a function which he shows to be substitutional; second (by an extension of the same argument), when the means is not uniquely determined, a function which he shows to be essential. The latter function is concerned here.

In this demonstration, all that has been said of the prudential judgment still applies. Simon says that if there is more than one means of procuring the common good, there is no foundation for unanimity; anyone may disagree and

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2 *Democratic Government*, pp. 30-35.
prefer another means; and this is true even in a small society. He gives the example of whether traffic should drive on the right or the left side of the road. The common good demands that one course of action direct everyone's driving habits, but it does not, prior to a decision, demand that a particular side of the road be chosen; it demands only that one means be decided upon, but furnishes no help in the decision. Since both possibilities are practicable, there is no foundation for unanimity in the matter, and the question must be decided by way of authority. 3

Let it be asked, continues Simon, whether this function of authority is substitutional or essential. But this involves a more basic question: since the plurality of the means is really the cause of the need for authority, the real question is whether this plurality is itself caused by a deficiency or by the good nature of things. Only in the latter case will this function be essential. 4

The same question was asked and answered, he declares, by various schools of scientific anarchism, which described the indetermination of the means as but an appearance, due to our inability to identify the proper means; if we knew more, if our information about these possible means were complete, we should realize that only one means was really the appropriate one, was really uniquely determined. As it is, authority has to substitute for this determinate knowledge of the situation. Its role remains substitutional. 5

3Ibid., p. 30.
5Ibid., p. 31.
Simon presents a similar argument for the deficiency theory in *Nature and Functions of Authority*, where he discusses the argument of Proudhon that if we knew all the laws of social science they alone would suffice to operate society and authority would consequently be unnecessary. Simon writes:

I want now to consider the fiction of a society ruled by laws only and which, on the basis of its being perfectly ruled by laws, should be able to do without any authority. This fiction, familiar to many liberals and to some anarchists, is most clearly described in the earliest writings of P. J. Proudhon. There, we find the idea that there are objective laws of social behavior which are as determined and necessary as physical laws, and are immanent in the course of social events just as physical laws, previous to any consideration by the human understanding, are immanent in the course of physical events. For the lack of a sufficient knowledge of the social Nature, for the lack of a reason sufficiently aware of the objective laws of society, we seek a precarious salvation in our reliance on the wisdom of a king, or, what amounts to the same result, on the wisdom of popular sovereignty.

Not only the objective laws of the real are truly reliable, but continues Proudhon, and therefore the true source of sovereignty is not a human will, whether it be that of the king or of the people; it is reason alone, as an impersonal interpreter of laws deriving from the nature of social things and finally identical with it. The progress of social sciences will gradually establish the rule of laws and do away with authority altogether: the reign of reason will be the realization of anarchy.

Simon refutes this contention in *Nature and Functions of Authority* when he shows that the contingency of existential occurrences prevents the precise conformity of the prudential judgment in its theoretical aspects with reality.

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6 *Nature and Functions*, pp. 30-31. Simon introduces this discussion by referring to his previous comparison of authority to law; cf. supra, p. 17.

7 *Nature and Functions*, pp. 30-32.
as it turns out to be. The laws of the social world, insofar as they are to be discovered in things rather than made, express only the universal and necessary aspects of social beings; they do not and cannot take into account contingent events. Even if we were to know these laws perfectly, they would not provide us with any demonstrable rule of conduct regarding our behavior amid the contingencies of existential positions.⁸

In terms of Simon's theory as presented in his later work, this anarchist theory has already been refuted in the consideration of the prudential judgment, which has been explained:⁹ The laws of social sciences, being scientific propositions, would be truly communicable and would thus furnish a basis for unanimity, but they would never furnish the basis for unanimity in practical matters unless the means under consideration were uniquely determined—and even then affective community would be necessary to supply the essential foundation for unanimous assent, since the practical judgment is simply not the same as a scientific judgment: it has a double truth.¹⁰

But the more refined theory which Simon presents in Philosophy of Democratic Government, while effectively refuting his earlier statement of the

⁸Ibid., pp. 32-33.
⁹Cf. supra, pp. 38-42.
¹⁰Simon shows that Proudhon came to realize the impossibility of unrestricted liberty when he realized that social science would never admit of infallible applications. In Du Principe fédératif (1863), Proudhon acknowledged the permanent necessity of authority as a principle of arbitration in particular cases, due to contingency.—Nature and Functions, p. 69.
argument of anarchism, itself suggests the further objection which Simon has brought up for consideration: perhaps the greater knowledge of social science envisioned by anarchism would lead to complete knowledge of the means to the common good and thus make every means uniquely determined; authority would then be unnecessary if the virtue of the citizens provided affective community. Consequently, Simon takes up the question of the cause of the plurality of means.

Simon gives the example of a family deliberating about its summer vacation: some would like to stay home, some would like to go to the hills, and some to the seashore. Here is a plurality of means. What causes it? One reason for staying at home is the high cost of going elsewhere; thus poverty makes for unique determination. "Wealth, on the contrary, makes for choice; this is what men of property know very well, and poor people still better."11 A reason for not staying at home might be the health of one member of the family; this would rule out the possibility of staying home because that person needs a change and a rest. The choice between the hills and the seashore might be dictated by the restlessness of some members, since the seashore tends to increase restlessness. It might also happen that a family feels obliged to go away for its vacation in spite of financial strain because a young man is going through a period of moral uncertainty and needs a change in environment. If all the family, on the other hand, are robust characters, then it makes no difference where they go; they have a larger choice. In short, "wealth, health and strength are factors that cause independence from

11Democratic Government, p. 32.
particular courses of action . . . . Destitution, ill health, uncertainty, weakness, are factors that cause dependence upon determinate means. Plenitude causes choice, poverty leaves no choice."\(^{12}\)

Furthermore, although a deficiency such as lack of knowledge might make the genuine means undistinguishable and cause an apparent plurality where there was none, a society of enlightened persons would, other things being equal, enjoy much more choice than a society of the ignorant. An enlightened society would not need authority to rule out illusory means, but it would need authority more than ever to procure united action, for, thanks to more knowledge and better lights, the plurality of the genuine means would have increased considerably.\(^{13}\)

Thus, says Simon, the function of authority which procures united action when the means to the common good are several, does not disappear but grows, as deficiencies are made up; "it originates not in the defects of men and societies but in the nature of society. It is an essential function."\(^{14}\)

Simon explains that this issue is often beclouded by a confusion of freedom and indetermination:

In fact, freedom is indifference, and there are two sorts of indifference. There is the passive indifference of the indeterminate

\(^{12}\)Ibid., p. 53.

\(^{13}\)Ibid.

\(^{14}\)Ibid.
subject which can receive any of several determinations precisely because it is indeterminate. The highest degree of such indifference is realized in prime matter . . . Nothing is further removed from freedom than the indetermination of matter, for freedom is mastery and proceeds not from a lack of determination but from a particularly full and hard kind of determination. A free cause is a superdeterminate cause. The trouble comes from the fact that these two opposite realities—the indifference of indetermination, passivity, inachievement, and the indifference of superdetermination which is freedom—have in common the property of being distinct from sheer determinate causality.15

He goes on to explain that there is in the human will a combination of active and passive indifference, i.e., of freedom and irresolution, so that psychologists, when they do not altogether deny freedom of choice, generally trace it to an uncertainty or imperfection of the will. In the same way, social thinkers, confronted by a seeming plurality of means, trace it to lack of knowledge—not seeing that plurality can be caused by excellence of knowledge and power. In both cases the misunderstanding of indifference results from an insufficiently elaborate notion of causality.16

In conclusion, it is interesting to note that Simon gives credit to Taparelli d'Azeglio, who as early as 1840 emphasized the function of authority as a cause of united action. However, he did not to Simon's knowledge distinguish the substitutional function of authority when the means is uniquely determined. Taparelli wrote:

In short, being endowed with intellect and free-will, the members of a society must tend by several means toward a common end; they

15 Ibid., p. 34. Simon refers to St. Thomas, C.C., I, 82 and John of St. Thomas, Cursus philosophicus, IV, q. 12, a. 2; Cursus theologicus, I, disp. 24, a. 4; I-II, disp. 3, a. 2.

16 Democratic Government, pp. 34-35.
can choose between those means. Since diverse and opposite means would abolish social unity and destroy the essence of society, it is necessary to have an intelligent principle regulate the minds and impress the same tendencies on all the wills. Now we call authority this power which binds all members of society. Thus authority is an essential element of society.\(^\text{17}\)

The problem of united action just considered has to do with means to the common good. There is, however, a more basic operation upon which this depends: the volition and intention of the end.\(^\text{18}\) Evidently, there would be no action to be unified if men had not previously agreed upon a good to be pursued through this common action—a common good. It is with this more basic operation that the second essential function of authority is concerned. The question is whether the proper intention of the common good requires the operation of authority.

At first glance, it would seem that if all the members of a society were enlightened and virtuous, they would spontaneously intend the common good. Authority would be unnecessary. Simon reminds us of the words of St. Thomas: "But a man's will is not right in willing a particular good, unless he refers it to the common good as an end, since even the natural appetite of each part is ordained to the common good of the whole."\(^\text{19}\) Of course, if there were

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\(^{17}\text{Luigi Taparelli d'Araglio, Saggio teorico di diritto naturale (Palermo, 1840), II, 67-68, quoted in Democratic Government, p. 34.}\)

\(^{18}\text{Democratic Government, p. 36. Simon says that volition is concerned with the end considered absolutely and intention with the end considered as term of means or set of means.}\)

\(^{19}\text{S.T., I-II, 19, 10, quoted in Democratic Government, p. 37, note 19, from Basic Writings of St. Thomas, ed. Anton C. Pegis (New York, 1945), II, 348.}\)
stupid or vicious members in the society, they would have to be directed or compelled toward the common good, but good people, by the very operation of their virtue, as St. Thomas says, aim at the common good and subordinate to it their private advantages. Thus all conceivable function of authority with regard to the volition of the common good would seem to be substitutional.

At this point Simon warns against the possible confusion of two questions: whether society needs to be governed and whether it needs a distinct governing personnel. For purposes of the investigation, he says, it is helpful to keep in mind "pictures of government without distinct governing personnel, as in the case of a New England town, a Swiss canton, or a nation deciding an issue by way of plebiscite. The entirely different problem of the necessity of a distinct governing personnel will be discussed in another part of this book."21

Now it is entirely true, continues Simon, that virtuous people love the common good and subordinate their choices to it:

Thus, in a certain way at least, the volition and intention of the common good are guaranteed by virtue itself, independently of all authority. Of this way we do not know, as yet anything, except that it is essential and basic . . . . The problem, accordingly, is to determine whether the virtue of the private person regards the whole of the common good or merely some fundamental aspect of it. If, and only if, the latter is true, authority may have an essential part to play in the volition and intention of the common good.22

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20 Cf. supra, p. 9.


22 Ibid.
To find the answer to the question of the way in which the virtue of the private citizen regards the common good, Simon selects a few typical instances. The first is from St. Thomas, and the question is whether the human will, in order to be good, ought to agree with the divine will in volitio, in other words, whether it ought to desire the very thing which is desired or permitted by the divine will. St. Thomas says that when a thing is good in one respect and bad in another respect, there is nothing wrong about its being desired by one and hated by another, under those two aspects respectively. Thus the judge has a good will in willing a thief to be put to death, because this is just; while the will of another (i.e., the thief's wife) who wishes him not to be put to death, inasmuch as killing is a natural evil, is also good.

Simon comments on this example as follows:

Thus the wife of a murderer hates the prospect of her husband's being put to death; she is normally and virtuously concerned with the good of her family, and, from the standpoint which is and ought to be hers, the death of the murderer is an evil. On the other side, the judge, who stands for society, sees in the death of the murderer elements of the common good: justice and determent from crime. The common good, of course, shall prevail, but, significantly, Aquinas considers altogether sound and honest the opposition made to the requirements of the common good by the person in charge of the particular good.

Here is the important point which Simon wishes to draw from the discussion: "That particular goods be properly defended by particular persons matters greatly for the common good itself." In other words, by fighting for

\[23\text{S.T.}}, \ I-II, \ 19, \ 10.\]

\[24\text{Democratic Government, p. } 41.\]

\[25\text{Ibid. The italics are Simon's.}\]
the life of the man whom the common good wants put to death, his wife does what the common good wants her to do. "It is in a merely material fashion," says Simon, "that she disagrees with the requirements of the common good: by doing what the common good wants her to do, she formally desires the common good. The common good formally understood is the concern of every genuine virtue, but it is the proper concern of the public person to procure the common good materially understood, which the private person may virtuously oppose."26

When Simon uses the terms materially and formally here, he is using them in the sense employed by St. Thomas in the article of the Summa Theologiae concerning the agreement of the human will with the divine will in volitio, which is the chief source of Simon's demonstration. Although Simon does not define the terms explicitly, the examples which he gives are sufficient to make their meaning clear. This is important, because they are the key terms in the exposition of the most essential function of authority.27

Since St. Thomas is discussing the agreement of the human will with the divine, Simon gives a practical illustration of the solution in this order which is taken from John of St. Thomas.28 Suppose that God told me by means of an

26Ibid., p. 42.

27Simon quotes the body of the article (I-II, 19, 10) in Democratic Government, pp. 40-41, note 20, from Pegis, II, 347-349, and notes that John of St. Thomas explains these views with great thoroughness in Cursus theologicus, I-II, disp. 11, a. 4 (Vives, VI, 44-55).

absolutely certain special revelation that He wanted my father to die tomorrow at noon; despite the fact that it was the definite will of God that he should die at that time, it would also be the will of God that I should struggle against the death of my father until it had become an accomplished fact. Simon explains that Aquinas states that the only conformity required between the human will and the divine will in volito is formal conformity, which may well be compatible with material disagreement or even demand such disagreement.

"God, who takes care of the common good of the universe, holds me responsible for some particular goods and wants me to discharge my responsibility. God may want my father to die tomorrow, but he certainly wants me to do all I can to prolong the life of my father . . . ."29

Simon gives another example of his own, drawn from military life. A commanding officer is ordered to hold a position at all costs. He is an intelligent and virtuous man who intends the common good of the army and the nation, namely victory. Consequently he aims at this particular good, holding the position, because of the common good, on the ground of the common good, under a determination supplied by the common good. There is here, as an effect of virtue, volition and intention of the common good formally understood. Now whether or not the orders are absurd in the situation is a question that does not concern the officer, but rather the over-all strategy board. This material issue concerns the strategy board, which is in charge of determining what operations over-all strategy demands. The officer is supposed to refer his

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29 Democratic Government, p. 42.
actions to victory, but, so far as material objects of intention are concerned, the good which he is to intend is the holding of the position and nothing else. 30

Simon goes on to explain that if the high command fails in its task and sends no further orders as the situation deteriorates, then the officer is in an agonizing position. Obeying orders will lead to annihilation, but there is no news from above: those whose job it is to care for the common good materially considered have vanished. He becomes increasingly dubious that his orders are really what the common good demands, until he then has to do two things: 1) decide what is better for the common good, to hold, attack or withdraw—which is taking care of the common good materially considered, and 2) execute the decision—which is taking care of the particular good materially considered. It is a difficult thing. "When the private person has to emerge above his capacity and substitute for nonexistent public persons, an awe-inspiring solitude makes him realize that the structure of society has broken down. 31

Another example, where there is no distinct governing personnel, is that of a group of pioneers who govern themselves by majority rule. They meet at intervals to decide matters of common interest, but when they are prevented from coming together each private person has to take care of both his own business and the public business until the group can again convene. "The same persons, in fact, labored in isolation yesterday and today act as one public character.

30 Ibid., p. 43.
31 Ibid., p. 44.
But, in isolation, they are normally qualified for the pursuit of particular goods alone; in assembly they are the mind and will to which it pertains to understand and intend the common good; this difference of capacity is all that essentially matters.  

Consider a Latin teacher, says Simon, who is absolutely dedicated to his subject, who has a sense of the function that he has to fulfill in society, who never believes that he overdoes the importance of classics. Compare such a man with another Latin teacher who is always careful to refrain from anything that might look like fanatical zeal for Latin, who does not recommend Latin except as part of a balanced program, who feels that it is his duty to keep his subject well within the limits of its real importance. Other things being equal, the school will be better served by the former, dynamic teacher than by the latter, colorless individual, who will never accomplish great things, since he has confused his own function with that of the over-all supervision of the school. Simon concludes:

No part of the land will be thoroughly tilled unless each laborer has a distinct field to plow. And no function will be exercised with thoroughness unless my function—say, that of teaching Latin—is distinct from any other function and thereby particularized. But if my function is a particular one, if, in other words, the good with which I am concerned is but a particular aspect of the common good, then it is necessary that there be, above me, a person or a group of persons properly concerned, not only formally but also materially, with the whole of the common good.

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32 Ibid.
33 Ibid., pp. 46-47.
Simon notes here as well that a distinct governing personnel is not thereby required. The School might be governed by a board of teachers, each of whom in the classroom is concerned with his own subject, but who, meeting as a governing body, are all concerned with the whole good of the school. Since shifting from a particular function to an over-all concern is possible but difficult, authority over experts is usually in the hands of nonexperts, that is to say men who are experts in the good which is not special. 34

The theory emerging from these examples and their analysis is then summarized by Simon in a set of propositions. Under the assumption that the society in question is aiming at a common good, it is stated:

1. That virtue implies love for the common good, willingness to sacrifice one's own advantage to its requirements.
2. That the common good may be intended formally without being intended materially.
3. That the virtue of the private person guarantees the intention of the common good formally considered, not the intention of the common good materially considered.
4. That society would be harmed if everyone intended the common good not only formally but also materially; that, in a material sense, particular persons and groups ought to intend particular goods.
5. That the intention of the common good, materially considered, is the business of a public reason and a public will.
6. That the intention of the common good by the public reason and will necessarily develops into a direction of society, by the public reason and will, toward the common good considered not only formally but also materially; which is the same as to say that the intention of the common good, materially considered, demands the operation of authority. 35

Simon then comments upon these propositions, remarking first on the preliminary assumption that the society aims at a common good. He says that

34 Ibid., p. 47.
although many theorists take it for granted that without a common good there is no society, yet the word society is often used of a partnership such as that of a handicraftsman and a moneylender—a society within which there is no authority. But, he argues, there is no common good in such a society; there is only what he calls a pseudo-common good.\(^{36}\) If each partner take a percentage of the returns, then the total amount is not a common good, but a sum of private goods. It looks like a common good, but it is not. "It lacks one of the defining features of the common good, viz., the intelligible aspect by which the common good calls for communion in desire and common action."\(^{37}\)

It does not suffice, says Simon, that a good concern several persons, in order that it be common; it must cause among those who pursue it, and insofar as they pursue it, a common life of desire and action. At least it must be of such nature as to cause such common life if it is to be common. And if it is a common good it renders authority necessary, and does not admit of purely contractual relations. Just as the expressions "the greatest good of the greatest number" and "the general interest" prevailed in the age of individualism, so the thought of that age cherished, in varying degrees, a contractual interpretation of the State or a contractual ideal of society. This was very logical, for if the ground of society is the attainment of interdependent private goods, then no authority is necessary and contract suffices.\(^{38}\)

Commenting upon his first concluding principle, Simon remarks that "the

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\(^{36}\)Ibid., p. 49. The italics are Simon's.

\(^{37}\)Ibid.

\(^{38}\)Ibid., p. 50.
principle of the primacy of the common good, often misunderstood or denied by the theorists of ethics, has, in fact, an extraordinarily powerful hold on the consciences of men, so that even people of debased conduct find it natural to die for their country, or for some substitute for their country, such as a gang. And despite the theories of individualism men still recognized and served the common good under such improper names as "the greatest good of the greatest number." 39

Regarding the second statement, Simon merely says that examples have been given and repeats two of them: the army officer obeying orders may not actually be doing what is best for the common good, and the son of a murderer may want his father to live even though the common good demands execution. In both cases the common good is intended formally but not materially. 40

The third statement merely indicates that failure to intend the common good materially considered is not due to lack of moral excellence. "If victory demands evacuation and withdrawal, it is up to the high command to issue new orders; and it is up to the courts to see that society is protected by adequate punishment of crime. Any particular difficulty raised by this statement resolves into the difficulties pertaining to statement No. 4 ("that, in a material sense, particular persons and groups ought to intend particular

39 Ibid., p. 50. Simon avoids entering into the highly disputed question of the primacy of the common good.

40 Ibid., pp. 50-51. It is hoped that by this time Simon's identification of the common good materially considered with that which is actually required by it, and the formal intention of the common good with the reference of an intention to the common good, has become clear.
goods'), which is the keystone of the whole theory.  

The fourth statement does raise apparent difficulties. It seems that everyone should intend the common good both materially and formally; at least that should be the ideal. Simon admits that his statement seems to put a restriction on love for the common good, as if too much of it might harm. But it is indeed harmful, he continues, to ignore the laws of the one and the many, laws which transcend human deficiencies and human affairs because they are metaphysical. He explains:

Goodness implies unity, but the notion of unity, as divided into "unity of the individual" and "unity of the multitude," involves an order of anteriority and posteriority. The unity of a properly unified multitude is less of a unity than the unity of an individual. The degree of unity that a multitude admits of is the same thing as the kind of unity it calls for. [sic] Although unity is an absolute perfection, there can be too much of it, inasmuch as, beyond a certain measure, the inappropriate kind forcibly displaces the proper one and destruction results. Such is the meaning of Aristotle's celebrated objections to the communism of Plato.  

Simon quotes at length from Plato's Republic and the reply of Aristotle in the Politics where the latter attacks the premise of Socrates that the greater the unity of the state the better it must be; Aristotle's point is that once the state attains the degree of unity of a family or individual, it is no longer a state: excessive unity destroys the state by destroying the plurality.

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1. Ibid., p. 51.

2. Ibid. The error in the text quoted deprives the third sentence of meaning. The context would seem to call for either of two possible corrections: either "The degree of unity that a multitude admits of is not the same thing as the kind of unity it calls for," or perhaps "The degree . . . is otherwise than the kind of unity it calls for."
which is natural to it. 43 Simon develops this argument by showing how uniformity can do violence to the nature of multitude and thereby cause waste:

The systematic extinction of qualitative diversity impairs the very kind of plenitude that it is the metaphysical function of the many to achieve; and if the purpose is to affect the highest degree of unity, a multitude, no matter how thoroughly uniformized, is bound to remain second to individuality, that is, one man would be nearer to the goal than any commonwealth, even though it be made of puppets all carved and dressed after the same pattern.44

Imagine, he continues, a multitude in which all intend the common good materially as well as formally, and refrain from intending any particular good—a society which has achieved radical uniformity by extinguishing all qualitative diversity to the extent that the common good has a monopoly on all permanent grounds for love and devotion. Permanent grounds for the love of the particular are destroyed: no woman is more of a wife to me than any other, no man more a father, etc. In the order of final causality the common good alone stands, and the causal power of the particular has disappeared into that of the whole. And since the end is the form of the will, when the whole alone remains as an end, only one form is left for all wills.

Such a construct, Simon says, results from the unwarranted exaltation of the subordinating cause to the detriment of the subordinated causes. In some systems of metaphysics or theology God alone is the genuine efficient cause;

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44 Democratic Government, p. 53.
His sovereign power confronts a universe deprived of causality, life, liberty, and perhaps of reality. "Contrasting with this picture of a waste land, the God of the living, who does not need to lay things waste in order to assert his power, is powerful enough to cause every thing and every act and every modality of every act in a world whose law is one of plenitude and superabundance, in a world full of reality, of autonomy, of activity, of life, and of liberty." 45

Such a society, where none intends a particular good even materially, is like a dead world, in Simon's opinion. The common good, moreover, has become a mere appearance. "Common good cannot exist unless it does exist as the good of a multitude; but there is no good 'of a multitude' unless particular goods are intended by particular appetites and taken care of by particular agents." 46

On the other hand, says Simon, Plato did perceive the need for distinction in society. For Simon a good can be particular in two ways: either as a good whose subject is but a part of society, or as a good which is but a part or an aspect of the common good. The welfare of a family is an example of the first, the public health of the whole society an example of the second. Simon calls the first private, the second special, and uses the term homestead and function to stand for these two principles of distinction. The homestead of a farmer is particular as private; the function exercised by a public servant is particular as special. While Plato opposed the former, he emphasized the

45 Ibid., pp. 54-55.

46 Ibid., p. 55.
latter strongly; though most societies use both principles, he preferred to rely exclusively on the division of social labor into functions, as if the first principle were dangerous.\textsuperscript{47}

If the fourth statement is established, continues Simon, then the fifth and sixth statements hardly call for elaboration. If the common good should not be intended materially by particular persons, then a nonparticular reason and will should intend it; it is obvious that it has to be intended materially by someone, and this person or group should be obeyed, according to the principle of the primacy of the common good, whether it be a distinct governing person or group, or the whole multitude constituted as the public reason and will, as in a town meeting. "It is, in the last analysis, as simple as that."\textsuperscript{48}

Simon then concludes with an explanation of the two kinds of particularity and their relation to authority. Each kind suffices to make authority necessary, for even if the particularity of the homestead were abolished—as in a thoroughly Communist state—the particularity of the function would still render authority indispensable. In Plato's \textit{Republic} authority is overwhelming. Even in a cabinet made up of enlightened and virtuous functionaries, each intending his own aspect of the common good, "the sheer fact that each administration has a special task to fulfill makes it necessary that there be, on top of all departments, a nondepartmental agent . . . an agent specialized in

\textsuperscript{47}Ibid., pp. 55-56.

\textsuperscript{48}Ibid., p. 57.
having the point of view of the entire common good prevailing over any special angle."

And so the proposition that authority is necessary to the intention of the common good has a double meaning. "It means, first, that authority is necessary in order for private persons to be directed toward the common good; it means, second, that authority is necessary in order for functional processes, each of which regards some aspect of the common good, to be directed toward the whole of the common good."  

This function, says Simon, deserves to be called "most essential" because it concerns the most fundamental act of social life. In a society of virtuous, enlightened, and fully mature persons, authority would have no paternal duties; it would have to unify action only when the means was not uniquely determined; but it would first and above all have to intend the common good.  

Thus authority is essential to man. Simon concludes that as such "authority is neither a necessary evil nor a lesser good nor a lesser evil nor the consequence of any evil or deficiency--it is, like nature and society, unqualifiedly good."  

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49 Ibid., p. 58. The italics are in the original.

50 Ibid., p. 59.

51 Ibid.

52 Ibid. On the existence of essential functions, Simon here quotes at length from St. Thomas: S.T., I, 96, 4 (authority in the state of innocence) and De Regimine Principum, I, 1 (the need for a ruler). In both texts the two functions are considered per modum unius. Simon also quotes Leo XIII, who uses the argument of the latter text in Immortale Dei, and here gives the complete schema of functions already presented (cf. supra, p. 23). Both the comment of St. Thomas and the function of perfectionist authority will be taken up in the following chapter of this thesis, however.
In reply to the assertion of Paine and others of the deficiency theory that government arises because of our wickedness, Simon can now state flatly that authority, in its essential functions, is as natural as the association of men for a common good. It is not produced by our wickedness (i.e., deficiencies), but by our wants (i.e., the tendencies of our nature). Yet the adversaries may hold that a common good is not the object of any civil association, that civil society has no common good for its object. "The question boils down to this: Is it possible to conceive civil society after the fashion of a mere partnership, involving no common existence, no common life, no common love, and no common action?"53

Simon begins his reply by defining civil society as "the society within which all the tendencies of man, so far as temporal life is concerned, can normally find satisfaction."54 He calls the society which has a common good community, and the society which does not, mere partnership; examples of the former are a team and an army and of the latter the handicraftsman and the moneylender. His method is to disengage typical features of a community and then see if they are recognizable in civil society.

First of all, Simon finds that in true communities there are some transitive actions performed by the community as a unit; there is collective causality. In a partnership, however, each action is traceable to some partner; none is performed by the partnership itself. Secondly, the transitive actions of the community are conditioned by immanent actions of knowledge and desire in


54Ibid.
which the members commune; each person knows and desires the common objective, and is aware that the others do, too. "Communions in immanent actions make up the most profound part of social reality . . . there alone the individual is freed from solitude and anxiety. Mere partnership, on the other hand, does not do anything to put an end to the solitude of the partners."55 Lastly, this communion is caused by communications which make the members mutually aware of their common striving. Presiding over these communications is one of the principal tasks of leadership; it must insure the proper flow of messages at all levels.

But these criteria of a community are easily recognizable in civil society. Collective causality is evident in security against enemies, treaties, over-all status of ownership, of education, of temporal life in its relation to the spiritual; communion is certainly recognizable in patriotism; communion-causing communications can be seen in parades and the raising of the flag. Although some of these features would not be necessary in a society free from evil (e.g., security against internal enemies), most of them would assume a more intense significance in a society made up of ideally perfect people. Simon concludes, therefore, that it is not because of evil in men but in spite of all evil and deficiencies that civil societies have the character of communities.56

55 Ibid., p. 65.

56 Ibid., p. 67. Simon explains that the term civil society should be taken in a broad sense, to include smaller units of federal systems as well as nation-states. Strictly speaking, he says, perhaps only the world is a civil society.
The demonstration of the most essential function of authority is thus complete, but Simon concludes his first chapter of Philosophy of Democratic Government with a final warning against the tempting illusion that the good will of each person, if it were complete and enlightened, would suffice to guarantee the intention of the common good:

This illusion is stubborn because it is hard to master the operation of the principles which, at the bottom of the question, seem to conflict but actually condition and supplement each other. The common good demands that particular persons should do full justice to the goodness of the particular good; but, if such is the case, an over-all direction toward the common good is necessary. Thus the most essential function of authority springs, in the last analysis, from the autonomic goodness of the particular good. The autonomy of the homestead and that of the function matter highly for the common good, but, without over-all government, these autonomies would mean the disintegration of society. Thus autonomy renders authority necessary and authority renders autonomy possible—this is what we find at the core of the most essential function of government.57

57 Ibid., pp. 70-71. The latter part of the quotation reflects the notion of complementarity between authority and liberty with which Simon began Nature and Functions of Authority.
CHAPTER V

AUTHORITY AND LIBERTY

The essential elements of Simon's theory of the nature and functions of authority have now been presented, but not the general conclusions which he draws from them. There also remain for discussion some related notions which should be included to give completeness to the theory. Consequently, it will be the task of this chapter to draw together the loose ends of the presentation, as it were, and to give the general principles for the right combination of liberty and authority which Simon, at the opening of his Marquette lecture, declared to be the goal of his investigation.

Reference has been made to the correspondence between the investigation of Simon and the reply of St. Thomas to the question of whether authority would have existed in the state of innocence. This article of the Summa Theologica makes a good point of departure for the consideration of authority and liberty because it not only considers authority as exercised in its two basic dominions and contains in germinal form the theory of functions already presented, but also adds a description of perfective authority, and points the way toward general conclusions.

St. Thomas says that in the state of innocence the dominion of servitude, in which a man is governed for the private welfare of another man, would have

1Cf. supra, p. 13.
been unknown. Simon develops this point by explaining that for St. Thomas servitude is defined by the alienation of human effort—an alienation which does not take place when one works for the common good, but which does take place when a man, no matter free he may be to change his master or his trade, works for the private good of another, and thus remains an unfree man, a slave.

On the other hand, St. Thomas holds that the dominion of freedom, in which a man is governed for his own or for the common good, would have existed in the state of innocence, and that such a man is free because, unlike the slave, he has disposal of himself (liber est causa sui). Simon points out that the distinction between these two forms of authority is based upon final causality: it is the end of the action which makes the difference, i.e., whether or not there is alienation of activity.

The distinction is important, says Simon, because this set of opposite notions has often been confused with two other sets of opposite notions: the political versus the despotic regime, and the substitutional versus the essential functions of authority.

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2 S.T., I, 96, 4: "And since every man's proper good is desirable to himself, and consequently it is a grievous matter to anyone to yield to another what ought to be one's own, therefore such dominion implies of necessity a pain inflicted on the subject; and consequently in the state of innocence such a mastership would not have existed between man and man."--Pegis, I, 922, quoted in Democratic Government, p. 59, note 23.

3 Ibid.

4 Nature and Functions, p. 35.

5 Ibid., pp. 34-35. This distinction has already been mentioned under the nature of authority. Cf. supra, p. 25.
Regarding the two regimes, political and despotic, from the point of view of efficient causality, a free man is one who has some power to resist the orders he receives (regimen politicum or political regime), while a slave—in another sense of the word from that used above—does not enjoy this right (regimen despoticum or despotic regime). But this set of notions does not correspond to that of the two dominions either in comprehension or extension: an entirely different causality underlies them, and it does not follow that one who enjoys no right of resistance must thereby serve the private good of his master. Take the classic example of the despotic regime, says Simon—the dominion exercised by the father over his children. Although the child has no right of resistance, the father must still rule for the child's own good and the common good of the family.  

Nor do the definitions of the two dominions correspond to those of substitutional and essential functions of authority. It does not follow, says Simon, that if one is incapable of self-government and needs to be ruled by another (substitutional function), he must thereby serve the private good of his master (despotic regime).  

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6 Nature and Functions, p. 36. Simon acknowledges that he is using the terms political and despotic in a sense somewhat different from Aristotle's. The latter term is used by Aristotle to cover both the dominion of servitude and the despotic regime, while the former, usually rendered constitutional by most translators, implies in Aristotle a degree of democracy, which it does not in Simon. Cf. Democratic Government, p. 73, note 1.

7 Ibid., p. 37. He explains that the essential functions can be exercised in either regime and the substitutional functions in either dominion, but makes no further distinctions.
Both of these distinctions are significant, since "the expediencies which may justify the despotic regime or the substitutional interventions of authority are sometimes wrongly taken as a justification for the dominion of servitude . . . the dominion of servitude cannot be justified by the principles which justify the substitutional intervention of authority or the nonstatutory regime. If it is justifiable at all, it must be justified by principles proper to it."  

Simon is not willing to exclude the dominion of servitude as entirely unjustifiable. It might conceivably serve the common good indirectly, if the good of society demanded a leisure class supported by the exploitation of others. Indeed, he says, the legitimacy of this dominion--limited and respecting inalienable human rights--is reducible to whether or not this demand must be satisfied by exploitation, and he suggests that with the growth of modern industry it no longer must--a fitting fulfilment to the statement of Aristotle that society could do without slaves if the shuttle could weave by itself.  

Now St. Thomas, having rejected the dominion of servitude, clearly holds that the state of innocence would have seen the exercise of authority:

But a man is the master of a free subject by directing him either towards his proper welfare, or to the common good. Such a mastership would have existed in the state of innocence between man and man, for two reasons. First, because man is naturally a social being, and so in the state of innocence he would have led a social life. Now a social life cannot exist among a number of people unless under the governance of one to look after the common good; for many, as such, seek many things, whereas one attends

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8 Ibid.

9 Ibid., pp. 39-40. The source of the statement is not given.
only to one. Hence the Philosopher says, in the beginning of the Politica, that wherever many things are directed to one, we shall always find one at the head directing them. Secondly, if one man surpassed another in knowledge and justice, this would not have been fitting unless these gifts conduced to the benefit of others.

Simon explains that children are not considered here, since they would certainly have needed paternal guidance even in the state of innocence, and then goes on to relate this passage to his own theory:

Considering a community of adults free from evil, Aquinas shows that government is needed (a) for the direction of the community toward its common good--this covers the two functions which we described as essential; (b) in order that men who are free from evil, in other words, already good, should benefit by the excellence of the best among them. This refers to a function of authority not included in our analysis, a function which is neither substitutional, since the governed is supposed to be free from evil and even from deficiency, nor essential, since the common good is taken care of by another function; let it be called the "perfective" function of authority.

The grounds for this perfective function, previously mentioned but not explained, lie in the inequalities of reason, will power, and virtue which are so natural to men that they would have existed even in the state of innocence. It is fitting that those less endowed with these qualities be guided by the more gifted, says Simon, not because this guidance is indispensable to the esse of the personal or common good, but because it is necessary to its bene esse. Furthermore, the psychology of those who are proud of their leader and love him shows that he is appreciated not only for his ability, but also

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12 Ibid. St. Thomas proves the existence of inequalities in S.T., I, 96, 3, and mentions them in I, 92, 1, ad 2.
for the inspiration which he gives his subjects to lead nobler lives.\footnote{13}

A case of perfective authority, says Simon, is seen by St. Thomas in the subjection of woman to man in the state of innocence, when he states, "For the good of order would have been wanting in the human multitude if some were not governed by other \[sic\] wiser than themselves. So by such a kind of subjection woman is naturally subject to man, because in man the discernment of reason predominates."\footnote{14} And this is independent of deficiencies and the essential need for direction toward the common good of the family. It is a perfective function.\footnote{15}

The investigation into the functions of authority is now complete, at least as far as its basic, philosophical elements are concerned. This study, together with the preliminary analysis of the nature of authority and certain important statements about its instruments and forms, should provide adequate material for the desired conclusions: the general principles for the right combination of authority and liberty in any given situation. But before these conclusions can be drawn, says Simon near the end of \textit{Nature and Functions of Authority}, it is necessary to remove some equivocations by explaining briefly the notion of liberty which is had in view.\footnote{16}

\footnote{13}\textit{Ibid.} Simon is currently working out a theory of perfective authority, which he now prefers to call "the communication of excellence."--Information from an interview with Prof. Simon on July 11, 1959.

\footnote{14}\textit{S.T.}, I, 92, 1, ad 2. The translation quoted by Simon has been slightly modified by him from that of Pegis (I, 880), where family is found for multitude and others for other. It is quoted in \textit{Democratic Government}, p. 61, note 23.

\footnote{15}\textit{Democratic Government}, p. 60.

\footnote{16}\textit{Nature and Functions}, p. 41.
In his Marquette lecture, Simon refers to the philosophical theory of liberty developed by Jacques Maritain in the first chapter of Freedom in the Modern World. Among the various meanings of the notion of liberty, Simon, following Maritain, sees a fundamental distinction between an initial liberty and a terminal liberty. Initial liberty is the sheer power of choosing good or evil, freedom of choice in our efforts to improve ourselves; it flows from our rational nature and has the value of a means rather than an end; it is a mixed perfection, a perfectio mixta, because it involves imperfection, the power of choosing evil. Terminal liberty, on the other hand, is the power of choosing the good alone and thus appears at the term of our endeavor, when the virtuous man has so interiorized the law that its prescriptions are identical with the dynamism of his virtuous nature; it is an absolute perfection, a perfectio simpliciter simplex, which can be attributed to God in a formal sense; it means not only freedom of choice but also autonomy.

Every being enjoys a certain autonomy, says Simon, because every being is moved to its end by the law of its nature. And the higher a being is in the hierarchy of things, the more autonomy it possesses. Autonomy both springs from the perfections of being and makes those perfections evident and admirable; it is the splendor and glory of being. And terminal liberty, since it is both freedom of choice and autonomy, is the kind of autonomy which properly

17 Ibid., p. 42. This English translation of Du Régime temporel et de la Liberté was first published in London, 1935.

fits the rational nature as such. Terminal liberty is the glory of the rational nature. 19

In another work, Simon develops this notion of freedom more extensively. After disengaging the true concept of liberty as mastery and superdetermination from the false concept of irresolution and indetermination with which it is often associated, he goes on to show that freedom of choice is not destroyed but exalted when there is no longer a possibility of choosing wrongly. Since freedom is a power of choosing the means to the end, anything which jeopardizes the end itself conflicts with the very essence of freedom. There may be no formal freedom in the act by which the blessed in heaven see God, but there is an eminent freedom; the act of beatific love is not below freedom, but is above it, since the ordo finis is perfectly assured by the vision which eliminates possibility of deviation from the end. Here below, this indefectibility cannot be attained, but the ideal term of moral and spiritual progress is a state of sanctity in which the freedom of making wrong choices is removed as far as possible while the freedom of choosing remains unimpaired. The law has become interior to the will, so that freedom of choice and autonomy combine to produce terminal liberty. 20

Simon points out that, mutatis mutandis, what holds for the individual holds also for the group:

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19 Nature and Functions, p. 144.

20 "Liberty and Authority," Proceedings of the American Catholic Philosophical Association, XVI (1940), 88-98.
Just as the personal freedom of choice is exalted by the removal of the indifference of potentiality, so the freedom of the group is exalted by the suppression of the disorderly forces that tend to make impossible a resolute course in common action. Finally, it is perfectly evident that the freedom of the group is not any more bound up with the possibility of making wrong choices than the freedom of the individual. There is such a thing as an interiorization of the law by the social body. Just as an individual person, through virtue, protects himself against the risk of making wrong choices, so a group, a society, a political body, may effectively strengthen its loyalty to the common good by the incorporation into its legal structure, its customs, uses and collective beliefs, tendencies spontaneously agreeing with the common good. Such a society has achieved the highest kind of common liberty. It has reached a condition of genuine autonomy.\textsuperscript{21}

From these metaphysical considerations, concludes Simon, it is clear that the progress of man and society implies the progress of liberty, provided that terminal liberty is meant. As to whether this progress of liberty implies in turn the decay of authority, he says that "this is a question that we shall try to answer by considering the forms, functions and instruments of authority in reference to the idea of liberty as meaning autonomy."\textsuperscript{22}

In Nature and Functions of Authority, Simon now makes four preliminary conclusions, before arriving at his cardinal principles. The first is that the dominion of servitude is opposed to the requirements of autonomy and should be done away with. Thus, he says, that "the progress of liberty implies the decay of authority insofar as authority takes the form of a dominion of servitude."\textsuperscript{23}

\textsuperscript{21}Ibid., pp. 98-99.

\textsuperscript{22}Nature and Functions, pp. 44-45.

\textsuperscript{23}Ibid., p. 45. Simon says that this is true even if the exploitation be legitimate. All italics in the original.
Secondly, regarding the instruments of authority, a leadership exercised through persuasion agrees better with autonomy than one exercised through coercion. Thus, "the progress of liberty implies the substitution of persuasion for coercion wherever this substitution can be reasonably realized." 24

Third, he says that since the substitutional functions of authority are justified only on the basis of some deficiency in the subject, "the progress of liberty implies the decay of authority insofar as authority assumes substitutional functions." 25

Fourth, he says that since the essential functions contribute positively to the perfection, happiness, and freedom of a society by uniting it in its common action, "the progress of liberty does not imply the decay of authority insofar as the essential function of authority is concerned." 26

Autonomy also influences the relationship between liberty and perfective authority, Simon declares. The influence of a wiser superior is supposed to liberate the freedom of the inferior from possible irresolution and the dangers of choosing incorrectly; however, this influence will not be truly perfective, but will rather impair the progress of liberty, if the superior provides his

24 Ibid. Simon says elsewhere that coercion fails to achieve its most elevated end if it fails to foster the virtuous dispositions which finally make it unnecessary.—"Liberty and Authority," p. 119.

25 Ibid., pp. 45-46. This means that as deficiencies are made up they can no longer serve as grounds for authority.

26 Ibid., p. 46. In this earlier work Simon had not yet distinguished the most essential function; consequently he uses the singular. The same reasoning applies to both functions, however.
subject with ready-made decisions and thus deprives him of the ability to exercise his own judgment. For this reason, perfective authority usually gives its pronouncements in the form of advice rather than binding precepts.  

With regard to the relation of liberty and authority in the order of theoretical truth, Simon holds that just as evil can prevail in economic relations if chance occurrences and inordinate drives are left uncontrolled, so error can and does take hold in the minds of men if truth is not provided with some kind of protection and privilege. The liberal theory of the unregulated marketplace has failed in both spheres. Now some kind of protection of truth, prudently chosen and established by society, does not conflict with liberty, since liberty is a power of choosing the proper means to the right end, an end which must first be known properly before it can be intended. Any theoretical error concerning the great metaphysical and moral truths radically corrupts the source from which right action springs. And if this argument holds for truths easily capable of evidence, it holds a fortiori for those which are either difficult to attain (such as secondary precepts of the natural law) or which can never be evident in this life (such as the truths of revelation).  

From these conclusions, says Simon, it becomes clear that the antinomy between authority and liberty is not absolute. Between authority and liberty

27 "Liberty and Authority," p. 107. Here again persuasion appears as more consonant with autonomy than coercion can be.

28 Ibid., pp. 108-110.
there exist two relations: in the substitutional domain there is opposition, in the essential there is supplementariness. But the aspect which ultimately prevails and predominates is that of supplementariness, since the essential is primary. This essential relation is clear: "Viewed in the purity of their metaphysical goodness, authority and liberty fully agree with one another, and their complementary character definitely prevails over their opposition." 29

It now becomes possible for Simon to state those general principles for the right combination of authority and liberty which were the initial goal of the investigation. They are the principles of authority and the principle of autonomy:

They can be formulated as follows: Principle of Authority. Whenever the welfare of a community requires a common action, the unity of that common action must be assured by the higher organs of that community. Principle of Autonomy. Whenever a task can be satisfactorily achieved by the initiative of the individual or that of small social units, the fulfillment of that task must be left to the initiative of the individual or to that of small social units. 30

It must be noticed that Simon laid down these principles in his earlier work, Nature and Functions of Authority. By the time he had completed his development of the theory of authority in Philosophy of Democratic Government, two other essential functions of authority had appeared: the function of unification of common action had to be limited to the cases where the means was not uniquely determined (the function being substitutional where they were determined), and the function of the volition of the common good appeared as a

29 Nature and Functions, p. 46. Cf. also Democratic Government, p. 141, where the term supplementariness is used.

30 Ibid., pp. 46-47. Italics in the original.
new function entirely, although it was foreshadowed by the principle of autonomy itself. Simon could have revised his principle of authority to include these two functions, but he did not. Instead, he gives three conclusions which roughly correspond to two substitutional functions and the most essential function, although, in a sense, the third includes the other two, and all three make up a principle of autonomy. He also states something like a principle of authority at the end of his conclusions, but does not dignify it with a number. This is in keeping with the whole tone and trend of his later book: this work is less theoretical, less systematic in many ways, more concerned with the practical order, and written for a much wider and less Scholastic an audience than the members of the Aristotelian Society of Marquette University. Furthermore, these conclusions in the later book do not appear in the chapter on the general theory of government (where most of the material on authority is to be found), but from a later chapter on democratic freedom. Consequently, it must be concluded that Simon pointedly omitted repeating, revising, or in any way referring to his earlier twin principles. What he does say is this:

From the previous analysis of the functions of authority (chap. i) it results that there is opposition between authority and liberty when the function of authority is substitutional, not when the function of authority is essential. This basic proposition can be developed as follows:

1. The progress of society and liberty makes for the decline of authority so far as the paternal function of authority is concerned. Thus, for a community subjected to colonial rule, freedom means such a state of affairs that the foreign rulers can disappear without damage to the community, and do disappear.

2. A community is capable of greater freedom if it is capable of unanimity whenever the means to the common good is uniquely determined; it is more primitive or decadent and less capable of liberty, if even when the means to the common good is uniquely
determined, it fails to achieve unanimity and needs to achieve unity by way of authority.

3. The progress of society and of liberty requires that at every given moment in the evolution of a community the greatest possible number of tasks should be directly managed by individuals and smaller units, the smallest number by the greater units.

But, with regard to the essential functions of authority, there is no conflict whatsoever between authority and liberty. The more definitely a community is directed toward its common good and protected from disunity in its common action, the more perfect and the more free it is.31

It can be seen that the second conclusion is entirely new, based as it is upon the hitherto undeveloped substitutional function previously mentioned. The third conclusion is, of course, the former principle of autonomy itself, and would seem to be, in Simon's theory, intimately connected with the most essential function. Indeed, Simon says that the same metaphysical law which demands that a particularization of activities should be produced by the function and the homestead, also demands that no task which can be fulfilled by a lower unit should be fulfilled by a higher. Thus, he says, the principle of autonomy is implicitly assumed in the argument for the principle of authority.32

From the association of the principles of authority and autonomy, says

31Democratic Government, pp. 140-141.

32Ibid., pp. 129-130. The principle of authority means the most essential function. He quotes Leo XIII in substantiation: "Let the State watch over these societies of citizens united together in the exercise of their right, but let it not thrust itself into their peculiar concerns and their organization, for things move and live by the soul within them, and they may be killed by the grasp of a hand from without."—Rerum Novarum (the source is not given).
Simon in his earlier work, there should result a hierarchical order in which the autonomy of the lower social unit supplements and balances that of the higher. In his later book he considers some practical difficulties involved in this balancing of forces. Management by the smaller unit may not always be the most efficient, and the question may arise as to how much autonomy the lower units should sacrifice in order to reap the benefits of greater production. Not much, says Simon. He considers the abundance of life in all parts of the community such an important phase of the common good that direct management by the whole is preferable only when the advantages are very great. A slight increase of material wealth or efficiency does not balance the loss of dignity which results when choice, initiative, and responsibility are taken away. "Any institution designed to centralize deliberation, decision, and command tends to bring subordinate persons down to the level of the slave, as described by Aristotle: he is an intelligent instrument, but his power of understanding hardly exceeds what is needed to grasp an order and to execute it."

While Simon does not say that power corrupts, he does say that every power is exposed to the temptation to extend its rule over things which might well be left some degree of autonomy and life. The organization of autonomy is difficult because it demands the effort aimed at nondestructive simplicity. "It is . . . comparatively easy to simplify things by destroying a good part of their reality. But it is difficult to effect the kind of simplification

33 *Nature and Functions*, p. 47.

which, under more rational, loftier forms, preserves everything and fosters a
tendency toward plenitude; by virtue of such simplicity, authority is fully
ture to its essence and associates itself with autonomy in entirely normal
fashion. 35

St. Thomas also holds that the better government rules in such a way as
to advance the perfection of its subjects. Simon quotes from the article of
the Summa Theologica dealing with the question of whether all things are
immediately governed by God:

But since things which are governed should be brought to perfe-
ction by government, this government will be so much the better
in the degree that the things governed are brought to perfection.
Now it is a greater perfection for a thing to be good in itself
and also the cause of goodness in others, than to be only good in
itself. Therefore God so governs things that He makes some of
them to be causes of others in government; as in the case of a
teacher, who not only imparts knowledge to his pupils, but also
makes some of them to be the teachers of others. 36

In conclusion, it would seem that the theory of Simon can really be summed
up in the two principles enunciated in his Marquette lecture, provided that
the principle of authority be revised to include the essential functions
developed later. In Philosophy of Democratic Government Simon comes very
close to stating these principles at one point, when he says that "autonomy

35 Ibid., p. 131. For a concrete image of social happiness founded on
authority, autonomy, and hierarchy, cf. the selection from Jefferson's writ-

36 S.T., I, 103, 6, quoted in Democratic Government, p. 131, from Pegis,
I, 958.
renders authority necessary and authority renders autonomy possible.\textsuperscript{37} This is perhaps the most concise yet comprehensive statement of his theory which could be made.

\textsuperscript{37}Democratic Government, p. 71.
CHAPTER VI

A CRITICAL EVALUATION OF SIMON'S THEORY OF AUTHORITY

Professor Simon's theory of the nature and functions of authority is, without doubt, an excellent contribution to political philosophy. Its timeliness in an age when authority, liberty and progress are so misunderstood and misused, its solid grounding in the perennial philosophy of moderate realism, its deep insights into the problems of autonomy, contingency, and the one and the many, as they affect man in a world of material progress— all of these are marks of value. The writer is convinced, moreover, that Simon's theory is fundamentally sound, that it corresponds with the is of existential fact and the ought of ethical finality, because it is derived from true metaphysical principles. And because it is sound, it has relevance today; this application of scholastic principles to the modern context is Simon's significant contribution.

Theories, however, are never perfect. There is always room for deeper probing into problems, improved statement of conclusions, and further inclusion of related questions within a steadily widening ambit of investigation. Simon's theory is not truly complete in any of these senses: revision and extension, and in both, approfondissement—these are what he himself is engaged in at the present time. Consequently, it is in a spirit of constructive criticism as well as praise for a significant contribution that a critical evaluation of Simon's work on the nature and functions of authority
is presented here.

Beside the fact that Professor Simon is still conducting his investigation, there is another consideration to be kept in mind. This fact is the manner in which he himself has chosen to conduct it, especially in his more recent book, *Philosophy of Democratic Government*. Whereas his Marquette Lecture of 1940 is a philosophical work in the scholastic tradition, a first step toward an integrated theory of authority and liberty, this latter book is cast in a different mold. In it, the nature of authority (as an object of investigation) is subordinated to its role in a political philosophy of democracy. This book may be called a "secular" work in a double sense: as intended more for readers outside the tradition of Thomism, and as written more from the empirical viewpoint of the social scientist than the speculative approach of the metaphysician. Here Simon does not elaborate upon the nature of authority as such; he does not go more deeply into its essence. This was not his purpose. Consequently, to expect such an elaborated development of his earlier analysis would be unfair to him. True, he does revise, extend, and develop his theory of the functions, but the whole presentation is geared to practical ends—so much so that his earlier provisional definition, his comments upon the relation of authority and law, and his twin principles of authority and liberty do not reappear. This shift from the speculative to the practical, as it were, must be kept in mind as having influenced the whole course of Simon's investigation.

What can and should be done, therefore, in a critical evaluation, is to examine Simon's work for truth, clarity, and consistency as it stands, pointing out the difficulties it may be expected to encounter, and suggesting
possible revisions and extensions of the theory to related areas of investigation.

First of all, it should be noted that Simon's two books received favorable comments in almost all the periodicals in which they were reviewed.¹

¹The following reviews and short notices of The Nature and Functions of Authority were read: K. D. Benne, Journal of Philosophy, XXXVIII (January 16, 1941), 54; David Belrymple, Commonweal, XXXIII (November 8, 1940), 85; Jacques Maritain, Review of Politics, III (April 1941), 250-254; F. de Viana, La Ciencia Tomista, XXV (1943), 342-343; anon. rev. Catholic World, CLIII (April 1941), 125; anon. rev. Divus Thomas, XVIII (1941), 513-514; anon. rev. The Thomist, III (January 1941), 173. Unavailable to the writer was the review in Blackfriars, XI (December 1940), 716-717.


These reviews and notices were generally very favorable, with the exception of R. Cumming's review of Democratic Government, which was critical of attempts to apply principles of St. Thomas to secular problems of modern government. Leo Strauss, reviewing the same book, raised several criticisms, but said, "Particularly valuable is what he says about the functions of authority . . . ." (p. 379). Arthur Murphy's article concerned what he called an ambiguity in Simon's treatment of obligation to obey, but was generally favorable. (Cf. supra). F. Hermens also praised the book, saving what criticisms he had for Simon as social scientist rather than as a philosopher. Concerning Maritain's important critique of Nature and Functions, v. supra, pp. h2-h3.
The Nature and Functions of Authority received high praise from Jacques Maritain: "Here we have a perfectly clear and valid demonstration which shows both the very nature and the necessity of the essential function of authority in every political community."² Tribute is paid to Philosophy of Democratic Government by John H. Hallowell of Duke University in these words:

This is an important contribution to the current literature on democracy . . . . It is speculative political theory in the best sense of the word.

It is impossible to do justice to the subtlety and detail of Professor Simon's argument within the limitations of a review. He refers to the central problem of authority throughout his book, and it is this concern which gives unity to his analysis . . . The weakness of the book lies in the use of terminology which sometimes obscures rather than clarifies the author's meaning . . . Despite these occasional stylistic obstacles to clarity, the book deserves a careful reading by all students of government.³

Since, therefore, most of the reviews and notices examined have raised no serious objections to the philosophical theory of authority presented by Simon, and none has suggested a possible point of departure for a critical evaluation, the present writer will offer some ideas of his own by way of critique. One other source will also be used, however. In a doctoral dissertation, James R. Flynn of the University of Chicago has criticized Simon severely concerning his theory of the volition of the common good.⁴ Flynn's arguments will be presented and discussed later, since they can contribute to a

²Maritain, p. 251.

³Hallowell, 552, 554-555.

deeper understanding of that theory.

It seems to the writer that Simon's theory is vulnerable to the charge of lack of clarity in the use of certain terms. Much of Simon's terminology is original, and consequently a real contribution, yet he avoids explaining his new terms in the light of others more traditional in ethics and political science. Sometimes he uses traditional terms in a new way, although there are more which he does not use at all. Thus he never speaks of precept, dominative or domestic power, for example, and avoids for the most part the usual categories of ethics and moral science. This is in striking contrast to his frequent use of the scholastic concepts of metaphysics, epistemology, and psychology. Certainly Professor Simon's own intellectual background is showing its influence here, and this, plus the tendency to strike out afresh in ethical areas, often evokes a reaction of surprise and curiosity in the reader.5

Not that Simon fails to attach content to his terms, new and old. On the contrary, they are pregnant with meaning. But one feels that the focus fails at times to be sharp, that the broad stroke, often of genius, has omitted details which may be of consequence. Exact definition and clear-cut use of terms are not always to be found here. While it is true that preliminary investigation benefits from the employment of broad concepts which can be refined and chiseled out later on, and the phenomenological method and traditional scholastic insistence upon definition of terms can be used to excess, nevertheless Simon is much more prone to neglect these useful methods than to overwork

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5See Hallowell's comment just quoted on the previous page.
them. The result is that many questions remain to be answered, much work of integration remains to be done. Perhaps a few examples will help to substantiate this criticism.

First of all, regarding the nature of authority: in The Nature and Functions of Authority Simon speaks of authority in such a way that the reader may very well conclude upon reflection that he is speaking exclusively of human authority. Yet Simon nowhere explicitly limits the term to such a meaning. This gives rise to several problems. Thus, when he says that the \"law of nations is above authority, the civil law is issued by it,\" he must mean that the law of nations is above civil, not divine authority--for he acknowledges God as the author of the natural law, from which the law of nations is derived. And when he says that authority (as opposed to law) requires an

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6 Nature and Functions, p. 72, n. 10. Italics in the original.

7 Simon holds that the law of nations (ius gentium) is that body of positive laws which are deductively connected with the natural law; as such, they pertain to moral science, rather than to authority. On the other hand, civil law for Simon is elaborated by prudential reasoning, and thus pertains to authority, which is identified with governing prudence (Nature and Functions, p. 71).

As a matter of fact, the relation of the law of nations to natural law is disputed: the older natural law doctrine subsumed ius gentium under human positive law, whereas some modern writers prefer to characterize it as natural law in a wider sense. St. Thomas classifies ius gentium under positive (human) law, but declares: \"Only what is urged immediately upon man by his nature belongs to natural law in its strict sense; what is urged upon all peoples by human nature as requirements of social order and utility through the application of reason constitutes ius gentium (Summa theologica, IIIa IIae, q. 57, a.2,3).\" --J. Messner, Social Ethics, trans. J. J. Deherty (St. Louis, 1949), pp. 203-204, n. 52. Simon is faithful to St. Thomas here. But the point of the criticism here is not this; it is rather Simon's limitation of authority (as governing prudence) to civil law, which seems to exclude the role of divine authority in promulgation of natural law.
immediate reference to a personal intellect and will, he must likewise exempt divine authority from this requirement, because he seems to say elsewhere that human reason can refer to divine authority only mediately, by means of the natural law—first discovered by reason in a state of impersonality and only later referred to its personal author.  

The same question arises with natural law itself, when Simon insists against Rousseau, Proudhon, and the school of Saint-Simon that the inflexible laws of nature would be inadequate for the direction of society. Authority, he says, can never take the form of an impersonal necessity. This raises a problem: God is the author of natural law, which, Simon seems to say, is known

8 Nature and Functions, p. 8: "... yet the law can be conceived in a state of impersonality. This is the way we speak of natural laws immanent in the impersonal course of physical events. On the contrary, an immediate reference to a personal intellect and a personal will is apparently essential to the notion of authority."

9 Ibid., p. 51, n. 2. "Thus, the natural law exists in human nature before existing in human reason. This is why it is necessary to go a step further, and to acknowledge that the natural law participates in the eternal law, which is identical with the reason of God. Should we not make this step, the supreme law would appear to be that which exists within nature ... the implication being that the rational universe would be ultimately dominated by irrational nature" (Ibid.). "In the divine reason, the natural law, as an aspect of the eternal law, enjoys a state of personality; in nature, a state of impersonality; finally, in the human reason, it enjoys again a state of personality" (Ibid., p. 52, n. 2). Simon seems to be describing a psychological process: man discovers the law and then reasons to its divine authorship. This process can hardly be called an immediate reference to a personal intellect and will, if Simon is using the term in the scholastic sense of "attained without a reasoning process" (ratio). If he is using it in some other sense, then the criticism depends upon the sense intended. But the point concerning the law of nations as "above authority" still holds, and thus tends to reinforce the above interpretation of immediate.

10 Ibid., p. 7, and pp. 49-50, n. 1. Simon is here attacking Rousseau's statement that the child must be taught to obey things rather than men, thus eliminating any reference to a person.
first in an impersonal state, i.e., it provides no immediate reference to a personal intellect and will. When man obeys the natural law, therefore, does he obey divine authority? It seems to the writer that Simon is conceiving divine authority as something outside his definition, as an "authority" not requiring this immediate reference. For him, to obey authority is nothing else than to obey a person immediately, whereas obedience to nature, even in the Rousseauvian sense, would somehow be a mediate obedience to authority (in this case to divine authority)---which Simon will not admit. Human authority is the only kind which fits his definition, because only there does one find the required immediacy. (It must be mentioned that God could govern the world through revelation alone, in which case divine authority would fulfill Simon's definition, provided the reference to God's intellect and will were immediate enough. But this is not the philosophical problem considered here.)

The questions arise naturally; the reader is surprised that God's authority does not satisfy the definition. What is divine authority? Is the promulgation of the natural law through natural revelation in any sense an exercise of authority? Since Simon identifies authority with governing prudence, certainly a virtue possessed by God to an eminent degree, is not divine providence therefore the exercise of authority par excellence?11

The answers to these questions, if deduced from premises provided elsewhere by Simon, all seem to be in the affirmative. It is hardly conceivable that Simon would deny real authority to God. Thus, in his later work, he

11St. Thomas holds that prudence is a divine perfection. See S.T., I, 22, 1.
refers to God's government of the world, as explained by St. Thomas in a discussion of unity in the ruler;\(^{12}\) he indicates that God wills the common good of the universe materially, and even accepts Thomas's comparison of God's will with the judge's decision to condemn the thief (in the argument for the most essential function);\(^{13}\) and he cites God's rule as a model of that non-destructive simplicity by which authority preserves autonomy through the use of secondary causes.

Is it possible to reconcile Simon's implicit attribution of authority to God with his earlier observations on authority's immediate reference to a person and the law of nations as above authority? It seems significant that statements from two different works eleven years apart are here seemingly opposed, and the writer believes that the reconciliation would not be difficult, if Simon would modify his distinction between authority and law, the distinction which lies at the root of the ambiguity. This distinction sees authority as "realizing more completely the ideal notion of social prudence when it deals with particular and concrete circumstances (decrees of the executive power) than when it deals with more general and lasting situations (civil laws)."\(^{15}\)

Why did Simon introduce this distinction? The writer believes that Simon

\(^{12}\) Philosophy of Democratic Government, p. 35, n. 18.

\(^{13}\) Ibid., p. 40, n. 20.

\(^{14}\) Ibid., p. 131, n. 24.

\(^{15}\) Nature and Functions, pp. 72-73, n. 10.
preferred to emphasize the notion of social prudence in authority and oppose authority to law in their most formal sense "just as the concrete and contingent aspects of the real are opposed to universal necessities," because his whole theory in The Nature and Functions of Authority is built on an epistemological basis. In this work, Simon has authority arise from the incommunicability of the prudential judgment, which is incommunicable because it deals with contingent realities. In his theory, the exercise of authority par excellence is to make a prudential, practical judgment when faced with contingent circumstances. He considers authority opposed to law just as the prudential judgment is opposed to science: as incommunicable, authority and the prudential judgment necessarily require an immediate reference to a person, whereas law and science, as demonstrable, can be known by the independent operation of reason, i.e., without an immediate reference to a personal intellect and will. The immediacy of the reference is required because of the incommunicability of the judgment, and this latter follows upon contingency. Thus the basic dichotomy is between necessity and contingency.

This analysis is what the writer understands Simon to be saying about the notions of authority and law in their formal sense. But such a theory really excludes any divine authority, since for God (epistemologically speaking) there are no contingencies; God knows the future perfectly—and He deals with both

16 Ibid., p. 70, n. 10. Simon must be referring to necessities in the present order, not metaphysical necessities. In addition, human law is invariably contingent. More clarity is needed here.
particular and lasting situations with the same authority. The theory of Simon, as the writer understands it, seems to introduce an alteration in the notion of prudence, making its exercise depend so much on the confrontation of contingent situations that it cannot be a divine perfection. So much for the theory of law and authority in The Nature and Functions of Authority.

A change is noticeable in Philosophy of Democratic Government, however. Simon seems to have extended his concept of prudence. With the introduction of the argument for the most essential function, the volition of the common good, he has turned to that other aspect of prudence, the ordering of things to their end, which St. Thomas uses to show that God has prudence, against the objection that God does not need prudence because He has no doubts, i.e., faces no contingent situations. Simon's major argument for authority in this later work no longer rests on incommunicability alone, but upon the need for the volition of the common good. And in this theory he has included in his notion of prudence, implicitly, a function which God certainly fulfills, namely the prudential direction of the universe to its end, which is called providence. And so he is now saying, implicitly, that authority is exercised by God par excellence.

Thus the difference between the two books. It would seem that the earlier statements concerning authority as opposed to law and its requiring an

17S.T., I, 22, 1. St. Thomas discusses the question whether providence, part of prudence, is exercised by God. There is a parallel between the first objection and the position which Simon seems to take concerning prudence in God in his earlier book. St. Thomas proves that providence is part of prudence in S.T., II-II, 49, 6.
immediate reference to a personal intellect and will should be revised. The immediate reference should be dropped, and the distinction between law and authority should be revised so that authority can be said to deal with lasting situations, even in the ideal order.

To the writer, a better way to express the relation of law to authority would be the following: law is the instrument, the tool, of authority; Eternal Law is the instrument by which the Personal Authority, God, orders the universe; natural law is the instrument by which He governs its free, rational creatures with respect to the Eternal Law. Nature itself has no authority (as against Rousseau); only the connection of nature with authority (the attribute of a person) can place obligation. But this connection does not have to be an immediate reference to a personal intellect and will; it can be mediante lege. Furthermore, there is no reason for seeing any difference between the authority that commands a precept or particular decree, and the authority that commands a law: the one orders for a concrete and specific case, the other for the generality of cases.

The existence of this problem means that Simon has not yet worked out a theory of authority which explicitly includes that of God, something similar to his elaboration of the supremacy of the eternal law (divine reason) as the primary analogate quoad se of all law, while the civil law is the primary analogate quoad nos. He seems to recognize the parallel implicitly in his later work, but does not bring it out clearly, due to the less speculative

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18 Nature and Functions, p. 52, n. 2.
nature of that part of his theory. Such a development would fit very well with his later use of the transmission theory, which holds that all authority comes from God. For God cannot transmit what He does not possess; or, more correctly, man cannot participate in governing prudence if God does not possess it. And the governing prudence so evident in the task of specification of natural law will then be seen to be a participation in the providence of God. This task of integration is, then, one which Simon might take up in future investigations. It is also one which will help to bridge the gap between the two separate but related questions of the necessity of authority in general and the determination of the person who should exercise authority in a particular case.

Further work of precision also remains to be done in the area of obligation, an area in which Simon is somewhat indefinite. To date he has been content merely to indicate that an obligation to obey authority exists. He says that the commands of authority are "to be taken as a rule of conduct," and consistently speaks in a manner which assumes that authority demands a correlative obedience. Indeed, since he holds that men are obliged to attain their end, and that authority is essential in the process, he must hold that authority obliges. The whole tenor of Simon's thought is quite clear on this point. But it is not so clear on how this obligation is to be conceived in different cases. Political authority, says Simon, obliges to the extent that laws issued by it bind in conscience. Thus he speaks of the common conviction of men that laws must be obeyed, and proceeds to resolve the paradox of legal obligation (how one man can bind the conscience of another) by showing that it is really God who

19Ibid., p. 7 and pp. 11-12.
binds men in conscience to obey other men, by means of the natural law. He does not distinguish between civil law properly so called and statutes, ordinances, and decrees, except to say, as has been noted, that authority realizes its ideal notion of governing prudence in decrees of the executive power. One has the feeling that the focus is not sharp here, that all these species of commands are being treated in globo without any attention being paid to possible distinctions between them. Simon has nothing to say about the relative binding force of each, thus also avoiding the problem of whether there exists or can exist a purely penal law. In short, those who are looking for a theory of political obligation in Simon will be disappointed, since he simply does not treat the question.

The binding force of parental commands is also passed over, although it seems safe to assume that Simon holds these to bind in conscience. A difficulty arises, however, when he goes beyond the state and the family, using examples of voluntary associations in his arguments for the necessity of authority. These societies, neither perfect nor natural (in the technical sense), differ from state and family in that they can be quit at will. Simon thus cites the football team and the crew of workers as examples of societies having a common good as their object. True, he is not in this context talking about the exercise of authority directly, but is rather attempting to prove by means of these examples that civil society has a genuine common good as its object. Yet


21 Ibid., p. 64.
he seems to have them in mind as associations in which authority is exercised, thus extending such exercise to the broadest possible dimensions.

Furthermore, Simon also speaks of the administration of a school in connection with the problem of the volition of the common good, indicating here a situation analogous to that of the government of political society.22 One might ask whether in his theory the analogy may be carried to the point where the heads of such voluntary associations exercise true authority and whether their commands consequently bind in conscience or entail some other kind of obligation. What about the binding force of company regulations in industry, of the rules of religious orders, of the bylaws of a club, to cite only a few examples? And what of the kind of authority which thrusts a vigorous, talented person without any title to authority into the leadership of a group which needs direction and implicitly recognizes his ability to lead? It should be said, in fairness to Simon, that these are questions related to that second and distinct question regarding authority, one which he professedly did not attempt to treat in full, namely the problem of who shall rule--a question distinct from that of whether authority is necessary at all. But a complete theory will have to take them up eventually, and their solution may cast light on the primary question as well.

Simon's theory emphasizes the need for authority as a means to the attainment of an end, a good--either individual or common. The failure to obey authority, in his system, is not so much an evil because of the moral fault of disobedience, but because without effective authority the very function in

22 Ibid., p. 47.
question is frustrated: the child is not educated, the common life of the family breaks down, the common good of the society is not achieved. This orientation is the logical result of his metaphysical, rather than legal and moral approach to the problem. Just as he is not concerned with the question of who shall rule (by any particular title to authority), but rather with the question of the basic need for authority, so he is not concerned with the obligation to obey this or that authority (and the degree of obligation involved), but rather with the fundamental reasons why authority in general should be obeyed.

In this area of obligation, a certain amount of vagueness has its advantages, particularly when it is not the main issue. The question of the nature of law as primarily a product of reason or of will, and the consequent problem of whether there exists a purely penal law, contain difficulties which Simon did well to avoid. His task being to justify authority in general, there was no need to enter into peripheral controversies. For the same reason, he could avoid delimiting sharply the differences between the exercise of authority in the state and in other societies, and the consequent species of obligation.

Nevertheless, he did begin a sketch of the nature and functions of authority which calls for ultimate completion and refinement as to detail, and such a project must eventually reach out from the field of metaphysics into that of all the social sciences where the hitherto useful indeterminacy can be resolved. Actually, the task will be more one of integration than of a new

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23 The literature on these questions is enormous. See Thomas E. Davitt, S.J., The Nature of Law (St. Louis, 1951).
investigation, for ethical theory has long been operating on what Simon has convincingly proved—the necessity of authority for the achievement of good.

The two preceding points of criticism have concerned the need for precision in Simon's theory of the nature of authority: the relation of human authority to divine, indicating a possible area of investigation in the science of ethics as related to natural theology, and the obligation to obey authority, indicating another such area in the field of legal and moral science. These points are not, however, of paramount interest or importance in Simon's theory; they are peripheral, suggesting future extensions of the theory. There remain some fundamental points of criticism regarding the functions, however, which reach to the very heart of the theory. The first concerns the precise meaning of two terms which are interrelated: deficiency and substitutional. The task will be to determine whether Simon's use of these terms is sufficiently clear and exact, and whether he has drawn from them all of the conclusions which affect his theory to a significant degree.

When Simon speaks of the authority of God and the Church as substituting for the evidence of the divine truth which will beatify our intellects in the beatific vision, he is clearly speaking of a deficiency in the temporal supernatural order alone. The vision cannot be called something due to human nature, hence the lack of it is not a privation in the natural order. Prescinding from the controverted question of a natural appetite for the beatific vision, it can be said that faith is substitutional here below in the supernatural order.

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2| Nature and Functions, p. 11.
when it is a question of strict mysteries, i.e., truths absolutely impervious to human reason. In the natural (and thus the political) order, such authority is strictly essential. This is the one case in which authority in the order of theoretical truth is not substitutional.

The authority of God and the Church can be substitutional, however, in the natural order—to the extent that it supplies for the deficiency which reason experiences in the knowledge of natural truths not impervious to reason, but which are difficult to learn without divine revelation. And it is here that this authority is truly pedagogical: the Church fosters and guides the development of philosophy for the better understanding of these truths. Simon does not mention this aspect of the Church’s authority for it is not vital to his proof, but it does point out a limitation upon that indefectible progress of mankind posited by the deficiency theory. Theology steps into the picture to point out the moral necessity of revelation if men are to know adequately even those natural religious and moral truths which they must know to achieve their final end. The authority of God and the Church is thus permanently substitutional in this life, even in the natural order and despite the future progress of mankind.

The same need for substitutional authority due to deficiencies will also remain in the other categories of theoretical truth, according to Simon. Thus he says that there will always be children to educate, and it will always be necessary for men de facto to accept the authority of experts in other fields, due to the sheer impossibility of mastering everything there is to know.25

25 "Liberty and Authority," p. 100.
The second clause of this statement of Simon has important consequences once it is related to the concept of progress, a concept important to his theory of deficiencies. But Simon does not make the illusion, perhaps because of the influence of his adversaries. The writer analyzes the situation in the following manner. Simon opposes Proudhon's arguments for anarchism by examining the possible effects of progress almost exclusively in the practical order. Anarchism supposes the elimination of all intellectual deficiencies and hence all authority among adults through progress of knowledge; it seeks salvation in the theoretical order, neglecting the practical almost entirely. It overlooks the fact that contingency will still render authority necessary in the making of practical judgments. Simon naturally attacks Proudhon here, at his weakest point: the practical order. And he does so brilliantly. But it would also have been possible to do battle on the enemy's own grounds, the theoretical order.

Simon did not elect to do this. In reacting against Proudhon's concept of a society ruled solely by the objective laws of social behavior as known by all adult citizens, Simon seems to have implicitly accepted Proudhon's assumption that intellectual progress means the decrease of deficiencies in the theoretical order, until some irradicable minimum is reached. At first sight, this seems a reasonable assumption: as knowledge in each individual increases, the common fund of knowledge also increases, and therefore the intellectual deficiencies of men will decrease. But the conclusion of the assumption proves to be false upon a more thorough investigation of the concept of deficiency as related to progress in the theoretical order.

The point which Simon might have made is that as the common fund of
knowledge increases, the deficiencies in each individual will also increase, due to his own de facto but inescapable lack of ability to comprehend the ever-increasing whole. As technology increases and the education necessary to understand scientific judgments become greater, the number of de facto incommunicable judgments also increases. It becomes increasingly difficult, even impossible, to educate everyone in every field, even in those fields which pertain directly to the phenomena of social behavior. Only a few specialists have the evidence for scientific judgments in their respective branches of knowledge; all others are deficient in this category. Thus with progress de facto deficiencies, relative to the quantity of matter to be known, actually increase in individuals. It is, of course, true that they decrease in society taken as a whole; but this argues in favor of social action to exploit truth, and against the anarchist dream of intellectually omniscient individuals.

Such an analysis of the effects of increased knowledge seems reasonable in the light of present events. Certainly modern science is developing faster than the capacity of any single human intellect to comprehend it. Michael Polanyi states, "The organization of the scientific process is determined, in the first place, by the fact that modern science is so vast that any single person can properly understand only a small section of it . . . . It is a rare mathematician—we are told—who fully understands more than half a dozen out of fifty papers presented to a mathematical congress."26 The universal man of the

26 Michael Polanyi, Personal Knowledge (London, 1958), p. 216. He cites E. T. Bell, Mathematics, Queen and Servant of Science (London, 1952), p. 7, for the situation among mathematicians, and adds that his own experience in chemistry and physics leads him to conclude that "any single scientist may be competent to judge at first hand only about one hundredth of the total current output of science" (Ibid.).
Renaissance is no longer possible. Even with increased leisure for education, it does not seem that the gap will ever be bridged, although there remains a theoretical possibility that knowledge might stop increasing long enough for education to catch up—but this is contrary to progress as known in the world of today, and even posits an essential change in human nature. It remains inconceivable that in the complex society of the future some point might be reached at which all adults would know enough to make even purely speculative authority superfluous.

Thus the basic assumption of anarchism is shown to be false because it does not take into account the social nature of knowledge, because it confuses an increase of knowledge in society as a whole with the removal of deficiencies in the individual. Indeed, the basic confusion seems to be in the concept of deficiency itself, no distinction being made between that of the individual and that of society—two deficiencies which do not coincide, and which must continue to diverge even more, due to specialization.

It follows that this growth of deficiencies in individuals will lead to more substitutional authority in the order of theoretical truth. This conclusion in itself does not directly contradict anything in Simon's theory. His fundamental conclusion that progress implies the decay of substitutional authority applies to the order of practical truth, as is clear from the context. He does not say that authority in theoretical matters will decline with progress. And yet he seems to agree that it will, since he never challenges the

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assumption, and even builds upon it later on, in his hypothesis of a society of perfectly enlightened individuals. The assumption also seems to have influenced Simon to emphasize the dichotomy between law and authority, one which for him rests upon another yet more fundamental—the dichotomy between the theoretical and the practical order. In this way he could admit that law alone might suffice for enlightened individuals in the theoretical order and still hold necessary for unanimity in the practical, where contingency holds sway. This is the palmary argument of The Nature and Functions of Authority. Simon is thus willing to concede the possibility of a quasi-complete elimination of deficiencies in one order because the other order is sufficient to guarantee the necessity of authority.

This implicit concession of the anarchist assumption of intellectual progress shows itself in the way in which Simon uses the term deficiency in the theoretical order. On the one hand, such a deficiency is for him any de facto inability to understand the demonstration of a scientific judgment, for such judgments are de jure communicable without limits.26 This must mean, therefore, that a person can be deficient in a certain field of knowledge even though he apparently has no obligation to master that field. Deficiency here seems to have no ethical connotations; it is simply an intellectual lack of perfection (culpable or not) arising from the fact that the theoretical judgment is not perfect unless the intellect is thoroughly determined by its object. Its object is, of course, evidence—for which authority is only a substitute in the

26 Ibid., p. 9, and Democratic Government, p. 20.
speculative order.

On the other hand, significantly, Simon does not seem totally satisfied with this purely metaphysical nature of theoretical deficiencies. The very word suggests abnormality. Thus he emphasizes de jure communicability, and points out that in science, "lack of unanimity always has the character of an accident, and there is something scandalous about it . . . ."\(^29\) He says that the relative incommunicability of some fully demonstrated philosophic propositions is purely factual; it is "by accident" that only a few people can understand the terms of and follow the demonstration.\(^30\) It would seem that he considers de facto theoretical deficiencies somewhat abnormal—something to be remedied by progress, not its logical result.

This leaves the reader facing a dilemma. If these intellectual deficiencies are true deficiencies, then progress should eliminate them. But modern progress actually tends to increase them. Therefore they are not true deficiencies.

The solution demanded seems to be as follows, in the writer's opinion: progress of knowledge does eliminate theoretical deficiencies, bit by bit, and yet it creates more new ones than it remedies. Because of the nature of man's intellect, whereby the proper object of his intellect is the quidditas in responsibilis,\(^31\) it is impossible for him in this life to comprehend the evidence

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\(^{29}\)Democratic Government, p. 20.

\(^{30}\)Ibid., p. 21.

\(^{31}\)S.T., I, 64, 7, 8, 85, 1, 5, 6; 86, 2; 87, 3; 88, 1, 3.
for all speculative judgments. There is simply not enough time, for one thing. And so man must depend upon other men, relying on their findings in a social effort to master all truth—the object of the speculative order. He must accept their substitutional authority as an intrinsic requirement of this social effort. The world in which he lives and his own finitude prevent each individual man from attaining to the knowledge of all being, the adequate object of his intellect. The very way in which man knows in this life, the very nature of his intellect as part of the human composite, thus prevents him from achieving the goal for which his intellect was made. This can be accomplished only in the next life, in the vision of God. This is; in a sense, the term of intellectual progress here below.

What effect does this argument for the growth of substitutional authority in the theoretical order due to progress have on Simon's theory of authority in the practical order? It should be noted that for him authority in the two orders is an analogous concept. It cannot, therefore, be immediately assumed that progress will bring about a parallel increase of substitutional authority in the practical order. Nevertheless, once the above mentioned process has been established as intrinsic to intellectual progress, it becomes necessary to re-examine Simon's theory of authority in the practical order in the light of this new conclusion. It may be possible to detect a relation between the two orders and determine what effect, if any, an increase of substitutional authority in the theoretical order may have on authority in the practical order. Certainly

32 T., I, 86, 2; III, 10, 3.
33 Information from an interview with Prof. Simon, July 11, 1959.
there is some connection between speculative knowledge and practical decisions, between ideas and action. And because Simon's theory is based so largely on the nature of the practical judgment, this question has important ramifications.

First of all, it should be noted that Simon's theory of the prudential judgment and practical truth, which influences a large segment of his thought to a great degree, is based on an interpretation of St. Thomas not held by all Thomists today. This interpretation has been challenged, for example, by Father Crowe of the Jesuit Seminary in Toronto, who is convinced that Simon's sharp distinction between speculative and practical knowledge (and thus between the two orders of truth), though it may be derived from one series of texts in St. Thomas and is certainly taught by John of St. Thomas, is not truly consonant with another equally important series of texts or with the Angelic Doctor's complete teaching on the nature of the intellect. Speaking of the practical judgment, Father Crowe maintains that intellect's internal processes are to be explained in intellectual terms, and not by recourse to will, that though the third and proper act of prudence is the prescipe, this is not a step towards knowledge, but a step towards action; it is not an act of further knowing.

I do not see that any other sources of explanation are required for the truth of practical intellect than for that of speculative. Speculative intellect affirms that something is or is such, and its truth depends on correspondence to the objective facts; practical intellect affirms that something is bonum, conveniens, operandum, and its truth likewise depends on correspondence with an objective situation. To speak of the 'truth' of practical intellect as if it were in a
special class by itself invites the suspicion that the question is no longer of truth but of something else altogether.\(^{34}\)

The controversy is a fundamental one, obviously, and could easily provide material for a lengthy study in itself, but the writer has elected to make note of it without prolonged discussion for two reasons: because it concerns Simon's theory of knowledge primarily, rather than his theory of authority (although the close connection of the two is by no means denied), and because the theory of authority is not seriously undermined in its substance by the criticism, except perhaps when the means to an end is uniquely determined. It is true that Crowe's conclusions effectively refute Simon's theory of the incommunicability of the prudential judgment insofar as Simon intends this

\(^{34}\)Frederick E. Crowe, S.J., "Universal Norms and the Concrete Operabilia" in St. Thomas Aquinas," \textit{Sciences Ecclesiastiques}, VII (1955), 115-149 and 256-291. The ideas discussed here are found on pages 268-273 and the quotation is from pages 269-270. Crowe goes on to say that this suspicion arises "when we explain the truth of practical intellect by its conformity to the ends of the moral virtues, even when it does not conform to what it affirms; for the ends of the moral virtues are fixed by reason, and practical intellect either conforms to synderesis, and is validated by its own laws, or does not conform and is simply in error" (Ibid., p. 270). He contends that the distinction between speculative and practical knowledge has been pushed by some to an extreme that has no basis in St. Thomas; it is rather to John of St. Thomas that appeal is made. He cites as examples of this extreme J. Maritain, \textit{Distinguer pour unir ou Les degres du savoir}, 2nd ed., Desclée, 1932, p. 618, and Yves Simon, \textit{Critiques de la connaissance}, Desclée, 1934, p. 63 (pp. 273-274 and n. 52). He also says that his position is confirmed by the doctrine on conscience, which is true or false according to objective norms, stating that there seems to be no reason why the same may not be said of the judgment of prudence, even granted that conscience and the judgment of prudence are not simply identical (p. 271). Crowe's argument seems sound to the writer, for the existence of objective norms for prudential judgments is born out by the fact of debate over the course to be followed in a certain situation; each side is trying to prove that its plan is the more prudent course of action. If this were impossible, discussion would be useless. The presumption is, clearly, that the means discussed are somehow uniquely determined, though this determination may be obscure and need investigation to be made evident; the thrust of the mind is towards objective norms, however.
judgment to be indemonstrable (Simon is not clear as to how much demonstrability he would admit, even of the theoretical considerations involved), for they prove that it is always demonstrable that such a judgment is a prudent one, and if the means are uniquely determined, that it is the only prudent one. Crowe does not claim, however, that if several equally valid means are available it can be demonstrated that one of these means is the most prudent, or the only prudent choice. And so he does not attack Simon's contention that unanimity would be precarious in such a situation, that no single means could be demonstrated as best. What he does attack is the use which Simon makes of affective knowledge, in which the will somehow seems to be called in as a substitute for the intellect. But Simon's theory does not depend upon affective knowledge for its support; affective knowledge for Simon is rather a means of achieving unanimity which goes into action when demonstration of a unique means is inconclusive, and for which authority is a substitute. In Crowe's argument, authority would substitute for understanding of the demonstration when ignorance or ill will prevented it. Now the undue influence of an ill will on the intellect is not far removed from lack of affective knowledge, as far as practical consequences are concerned, though the theoretical explanation of the role of the will in the two cases is not the same.

The critique of Father Crowe is thus important to Simon's position on the nature of knowledge, but does not seriously affect his basic argument for authority as the cause of united action.

To return to the discussion of the relation between the two orders of
truth (and Simon's terminology will continue to be used here, despite the preference of the writer for a more unified concept of truth), theoretical knowledge certainly affects the prudential judgment, for a man who does not have a firm grasp of the facts cannot make a prudential judgment concerning them. It should be noted that St. Thomas points out that prudence presupposes speculative knowledge, i.e., knowledge of universals, and he lists memoria, ratio, and intellectus as cognoscitive integral parts of prudence. His analysis is complex, but it is clear that for St. Thomas, prudence is definitely dependent upon speculative knowledge, a connection which Simon, in his desire to distinguish the two orders of truth, does not emphasize as much as he might.35

It is not necessary, of course, that a prudent man have acquired complete knowledge of a subject by his own reasoning in order to make a prudential

35 S.T., II-II, 47, 15 and 48, 1. The application of this study of prudence to modern situations would enhance a complete theory of authority. Simon by no means denies this analysis, and declares that the prudential judgment must be preceded by an investigation of the real dispositions and possibilities of the persons and things concerned with the decision to be made (Nature and Functions, p. 27). But he does not point out that such an investigation cannot even be begun without a minimal theoretical knowledge of the matter at hand, and apart from this single instance does not deal with the relationship of speculative and practical intellect. This is most probably due to his theory of the practical judgment just noted and his method of argumentation, which is to concede the field of speculative truth to his adversaries while concentrating on the practical order to prove the necessity of authority. St. Thomas, on the other hand, makes the virtue of prudence the link between speculative truth and practical judgment. For him, prudence, while belonging to the practical intellect, is a composite virtue made up of three integral parts: counsel (ebulia), judgment (synesis), and command (gnome). Counsel and judgment reside in the speculative intellect; only the element of command resides in the practical intellect. All three operate together to provide prudence. (Cf. S.T., I-II, 57, 6; 65, 1; 66, 1.)
judgment about it. He may accept the advice and conclusions of others to help him decide, thus accepting their substitutional theoretical authority. But to do so intelligently, he must be able to understand enough of the subject to make a prudential judgment as to the competence of these others. In short, he must be at least expert enough to comprehend the practical applications of speculative truths.

This necessity seems to argue for an increase in the authority of experts in the practical order, due to the specialization demanded by the enlarged boundaries of knowledge. The individual man will not be capable of even partially expert knowledge in all fields; he will have to rely on others better trained to make practical decisions which demand this expertise as a prerequisite. This dependence will prove all the more necessary as governments are faced by problems of a complex and difficult nature, such scientific and technological problems, for example, as vast financial operations to control inflation, nuclear development, and the exploration of outer space. It does not mean that the people need lose their democratic control over these experts; nor does it mean that prudent men without specialized skills cannot be chosen to supervise the various projects of the expert functionaries. But it does mean that unanimity will become more difficult, that the circle of those competent to make practical decisions in these matters will necessarily grow smaller.

It would be a mistake, however, to conclude immediately that as prudential capacities become more and more the prerogative of experts, substitutional authority of the paternal type (in Simon's sense) must therefore increase in the practical order; that because the mass of men are de facto deficient in
knowledge and prudence regarding complex decisions, they must be governed paternally, like children. The temptation is great to treat the state like the family, where, as Simon says, the distinction between individual and common good is often blurred. But it must be remembered that for Simon, paternal authority always aims at the proper, the individual good of the minor, not the common good of the society to which the minor belongs. The only way in which paternalism can enter the political scene in his theory is when the minor is either a person or group unable to rule itself: a colony, a submerged class within society, or a smaller governmental unit—some kind of individual unit or collectivity which has a distinct individual good of its own which it cannot attain without extrinsic, paternal assistance. If this paternal authority is unnecessary, not terminal or not pedagogical, then the result is imperialism, aristocracy, or totalitarian centralization in a monolithic state. If, however, it is necessary, terminal and pedagogical, then the paternal authority is legitimate, provided it looks to the proper good of the smaller unit.

Therefore, even though an increasing degree of authority be given to experts, if this is demanded by the common good then it is not paternalism in Simon’s system, but rather a development pertaining to the second great question of authority, the question of who shall rule, or the form of government to be chosen. As such, it does not seem to concern Simon’s theory directly in


37 Ibid., p. 8. Simon is clear on this point.

38 Ibid., pp. 10-15.
its philosophical foundations, for this deals with the need for authority in general, not the problem of where in society or the state authority should be located.

However, to call such authority of experts substitutional or paternal (in the non-Simonian sense) is so commonly accepted\(^\text{39}\) and natural—because the expert (or solus idoneus, or philosopher king, or welfare state, to use different terminology) does exercise an ability for decisions in which the masses are deficient (prudential knowledge)—that Simon's theory will very likely run the perennial risk of being misunderstood on this point. Simon is using the term paternal in a restricted sense, as describing that authority which aims at an individual good of a minor person or group, whereas the term can also refer to authority exercised to achieve the common good of a people who are minors in that they are not capable of a form of government more proximate to pure democracy in their unification of action for the common good.

Confusion can easily arise if one is not careful to make this distinction (valuable in itself) and apply the restricted sense when reading Simon.

Even then, however, some ambiguity remains. Thus, for Simon, an expert who rules for the common good is exercising paternal authority if he is

\(^{39}\)See John T. Zadrozny, Dictionary of Social Science (Washington, D.C., 1959), p. 243: "Paternalism—the exercise of domination and control over a people and their economic, political and cultural activities as though they were too incompetent to act intelligently in their own behalf."
considered as outside the community as an extrinsic agent, in the way that the aristocratic few in the theory of Alexander Hamilton make up a community extrinsic to the mass of men. This seems to the writer to be a very fine distinction, even harder to make than that between an individual and a common good in the family. Indeed, it seems rather a manner of viewing the situation, without any fundamentum in re. It seems that Simon should say that the expert's authority is always paternal, should always be terminal, pedagogical, etc., aiming at its own disappearance when the mass of men are ready for participation in decisions—even if that day never arrives. This manner of using the term would make it apply to the question of forms of government as well as to the functions of authority, and extend paternal to include a common good as its object. At one point in his section on paternal authority, Simon speaks this way himself. He is discussing democracy, and states: "There are circumstances in which paternalistic government alone can remove both anarchy and tyranny; such seems to be the case, inevitably, wherever ignorance is so prevalent as to render election by universal suffrage nonsensical." In the

40 Democratic Government, pp. 15-16.

41 Ibid., p. 16. The role of substitutional authority in such a situation, and Simon's obscurity on the point, are noted by Mortimer Adler and Walter Farrell, C.P., in one of their articles on democracy. They make use of Simon's terms substitutional and essential, but remark that "he is not at all clear on the question whether, in a civil community, the authority of a royal regime (which he calls 'despotic' but does not thereby mean 'unjust') is substitutional in the same sense as that of parental government." They then point out that in the former situation royal government is primarily for the common good; subjects are adult regarding their private affairs, but politically immature regarding the common good. "Hence to this extent, the royal authority resides in the superior virtue of one or a few men. To this extent it is 'substitutional authority,' but it is not entirely so, because wherever the common good is the primary end (as is not the case in the relation of parent and child), there
context, this use of paternalistic is bewildering indeed, considering the
previous restriction placed upon the term. One begins to suspect that pa-
ternal can refer to a common good, and that the principles laid down previously
limiting this function must flow directly into a theory of democracy as the
best form of government—in which case the distinction between the two great
questions of authority is not so hard and fast after all. The suspicion is
reinforced when it is noted that the mere question of whether the expert is con-
sidered as inside or outside the community determines whether the particular
situation is to be viewed as a problem of forms alone or a problem of paternal
function as such. Certainly clarification in this area would be a great
advantage to the theory as a whole, and it is to be hoped that Simon will take
up the question in future investigations.

It is thus not clear that more substitutional authority in the theoretical
order will result in more paternal authority in the practical order, as far as
Simon's system is concerned, if the good aimed at is a common good and not the
proper, individual good of an individual or collective group achieved by an
extrinsic agent. But if this good is individual, then modern progress and
government by experts can affect Simon's theory significantly. An example is
that of a central government whose experts are now exercising authority over

is another ground for authority." This other ground, they say, is the need for
a principle of government to attain the common good, from which results
essential authority. They thus conclude that "royal authority (in a community
where there is radical inequality in habit between ruler and ruled) is both
essential and substitutional."—"The Theory of Democracy, IV," The Thorist, IV
(October 1942), 715-716. The italics are in the original quotations.
individuals and smaller political units to attain goods formerly achieved by those individuals and smaller units; the good is individual (at least it was formerly) and the authority is exercised by an extrinsic agent, an agent on another level of the hierarchy of authority.

This situation results from modern progress. Advances in learning lead to specialization and the need for experts. These do not exist in sufficient supply to be furnished to all levels of government, much less to each individual. Technological progress, in addition, has increased the complexity of life, drawn previously separated areas together through improved communications, extended markets, promoted mobility of all types—so that problems exist at a higher level than formerly. This result has been a tendency toward centralization and general increase in governmental activity. Individuals and smaller units have become deficient in many tasks once within their powers, hence "big government" has had to intervene.

The question for Simon's theory is this: is not modern progress increasing the deficiencies of individuals and smaller units and thus increasing the substitutional, paternal authority of a clearly extrinsic authority? Is this not an increase of paternal authority in the guise of a shift of authority to ever higher levels?\(^2\)

\(^2\)Simon establishes a criterion for paternal authority with his twin principles of autonomy and authority. These provide for a hierarchy of authority and really amount to the principle of subsidiarity function. J. Messerer describes this principle as follows: "No social authority . . . has a right to interfere with activities for individual and social ends so long as those responsible for these ends are able and willing to cope with them . . . . The principle of subsidiarity function safeguards the individual in his relation to society, and the lesser communities in their relation to the great society . . . . It protects the right of communities to self-government or autonomy, which belongs to local communities and occupational groups as well as the family."
Simon answers the question, for it is really the same dilemma which he describes in the first pages of *Philosophy of Democratic Government*: the proponents of the deficiency theory, the modern liberals, find themselves trapped into a demand for more government. Simon's answer is that though "we feel that some things have become worse, and we have developed an ability to see many shortcomings that used to pass almost unnoticed . . . there are not a few circumstances in which the call for more government activity seems to result from unqualified progress." He then shows, in his first chapter, that it is a growth of the *essential* functions of authority which is called for by true progress, not a growth of substitutional functions.

Thus Simon answers the question, but not fully, for he does not treat of the deficiencies brought about by progress. He is certainly correct concerning progress in the abstract and the growth of essential functions, but it seems to the writer that in terms of Simon's own theory and especially considering his views on democracy in subsequent chapters of *Philosophy of Democratic Government*, his position concerning progress in the concrete and the growth of apparently paternal functions in modern society needs additional development. Simon does not seem to take into his theory the facts of centralization and

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Social Ethics, pp. 196-197. Messner then gives three criteria for determining whether a society conforms to the right order demanded by subsidiarity: whether individuals serve the common good while serving their own interests, the extent of decentralization, and the principle of as much liberty as possible with as much state interference as necessary (Ibid., pp. 197-198). Simon is in perfect accord with this doctrine, so that what is being discussed here is really the relation of subsidiarity to modern progress, as connected with Simon's concept of deficiency.

Democratic Government, p. 6. Simon's point is that an increase or better awareness of evil is not the only ground for more governmental activity.
increased activity of government which, at first sight, seem even to contradict his expectation of what progress should bring.

To illustrate these contentions, it might be noted that Simon himself seems to tend toward a Jeffersonian view of government and authority, and warns against the ever present temptation experiences by all powers to encroach upon functions better left to smaller units, a temptation to which states have consistently succumbed. Admitting that the modern economy may indicate a transfer of tasks to higher levels, he warns that concentration jeopardizes the most precious values, for any institution which is designed to centralize deliberation, decision and command "tends to bring subordinate persons down to the level of the slave, as described by Aristotle." Because of the weakness of men for power, he states, "the state ought to be treated as a kind of permanent aggressor that continually threatens the very substance of society." And, of course, his insistence on the need for an abundance of activity at lower levels is clearly one of the principal arguments for the most essential function. Simon points out the difficulty of recognizing the best governing personnel, stating that "any definition calculated to procure unmistakable recognition of the best is likely to be at variance with the true nature of political excellence." He insists that it is desirable that the leaders of a

\[\text{Nature and Functions, p. 48, quotation from Jefferson.}\]

\[\text{Democratic Government, pp. 131-132.}\]

\[\text{Tbid., pp. 130-131.}\]

\[\text{Tbid., p. 135.}\]

\[\text{Tbid., pp. 129-130.}\]

\[\text{Tbid., p. 210.}\]
democracy, most of the time, should be members of the larger class, because they have intentional communion with it.\footnote{Ibid., p. 222.} And although he admits that on some occasions, more frequent in technologically advanced societies, a leader may need some expertness, he holds that in an entirely normal state of affairs, leadership belongs to prudence, not to expertness—adding that as a result of technology, the expert has become an instrument so heavy as often to get out of control.\footnote{Ibid., p. 279. This follows from his theory of prudence.} And, lastly, Simon does exalt the traditional rural virtues and the goods obtained on the family farm in his chapter on democracy and technology, although he is certainly no unrealistic proponent of a general movement back to the land.\footnote{Ibid., p. 319.}

The quotations and citations from later chapters of Simon's second book are not intended to give a balanced representation of his thought, by any means. They are taken out of context, for one thing, and could easily lend themselves to a caricature of his truly perceptive and balanced view of modern political and social problems. These citations are rather presented here in order to illustrate one tendency in Simon's thought, that tendency toward autonomy or toward what makes up distributism in the Chestertonian sense, a polarization toward the principle of autonomy. There is the other tendency in his thought: toward authority, cooperative effort, appreciation of modern technology, a
polarization toward the principle of authority. The writer finds that Simon's thought, like authority itself, cannot be understood without the recognition of that tension which is inherent to its development. The one tendency has been illustrated here in order to highlight the problem of centralization in modern society.

A more developed answer to the dilemma of deficiencies on the part of individuals and smaller units seems to the writer to lie in an expansion of the concepts of deficiency and substitution and of the principles of authority and autonomy. If these concepts and principles are given sufficient elasticity to account for modern progress, then Simon's theory is not contradicted by contemporary developments; if they are not, then modern progress, as we know it, must mean an increase in paternal authority.

But a shift of authority to higher levels need not be seen as necessarily resulting from increased deficiencies at the lower levels. If the very nature of modern life no longer renders it feasible for a smaller social unit to perform satisfactorily a task hitherto carried out with ease, then it is not a deficiency in that unit which necessitates intervention from above. Rather the task in question has ceased to be the proper concern of the smaller unit, and inability to perform it is no longer a deficiency. Thus the larger unit is not truly substituting paternally by assuming the task, since the nature of the task has changed; it has become a good proper to that larger unit, a common good of the larger unit with respect to the smaller. Simon's principles are two, and one of them provides that the larger unit must function when the smaller cannot. Thus his theory of authority in its philosophical foundations is not violated by the modern trend as long as progress has really changed the
nature of the tasks by making them proper to the larger units of society.

There is here a parallel between the two orders of truth. Lack of ability to perform a function may be called a deficiency in a wide sense, if one considers only the power and the task in abstracto, prescinding from any social arrangement whereby tasks are properly assigned to various units. In the same way, the lack of ability to understand a demonstration in the theoretical order is, in abstracto, a deficiency. In both cases the deficiency is defined simply by reference to a faculty and its object. But if the pursuit of good (in the practical order) and of truth (in the theoretical order) are social efforts, and other members and units of society are assigned to perform a function or understand a piece of evidence, then it seems to this writer that there is no longer any question of strict deficiency as long as each member or unit is capable of its own assigned task, a task which is part of a common good, one in which the smaller unit or member is not deficient.

What was once a deficiency, therefore, may no longer be one; what was once an exercise of paternal authority may now be the exercise of an essential function. The concepts of deficiency and substitution are thus more complex than they first appeared, because they must deal with changing situations in a world of contingency, with goods which can move up the scale, as it were, from being goods proper to smaller units to goods proper to larger ones. The concepts themselves, as formal principles, remain; but the matter which they embrace, the material element, is changeable. With such a flexible and elastic view, it need not be conceded that modern progress is encouraging paternalism because it is encouraging centralization.

This analysis by the writer should not obscure Simon's point concerning
progress and the growth of essential functions. Not only does wealth increase
the choice of means, but the increase of specialization resulting from
theoretical deficiencies (in Simon's sense of the term) make it less likely
than ever that a uniquely determined means to the common good should be
recognized as such by all educated men. Here is another parallel with the
theoretical order: as material wealth increases the variety of means to an
end, to eliminate the uniqueness of a means, so wealth of knowledge tends to
increase specialization and make it impossible for any man to master the whole
of human learning and thus be qualified to recognize a unique means. Hence
unanimity will not increase, but be made more difficult by plenitude of
knowledge. The essential function will be more necessary than ever.

Furthermore, an increase in specialization will cause a centrifugal
tendency among specialists, as each restricts his view to a particular field.
This will make the over-all direction of society by the non-specializing
executive all the more necessary, especially as exercised over the functionaries
who share in authority. This is pure Simonian theory of the volition of the
common good.53 But it should be noted that it is an increase in theoretical
deficiencies (Simon's sense) which lies at the root of the whole process: more
de facto incommunicable judgments, to more specialization, to more coordinating
authority.

53Democratic Government, p. 58. Simon states that perfect order would
want experts kept in subordinated positions under leaders chosen primarily
because they are good men (Ibid., p. 279).
Throughout this analysis the writer has used the term centralization in a somewhat geographical sense and a sense referring to the hierarchy of units of authority. This usage is in terms of what Simon calls the homestead. While modern progress has increased centralization with respect to the homestead, it has had the opposite tendency with regard to the function, for it has tended to diffuse authority among experts. Just as in the theoretical order knowledge was formerly more in the hands of each individual (homestead), but is now shared by specialists (functions), so authority has been centralized in one regard and decentralized in the other. The writer detects an inverse proportion between homestead and function in this area. Simon deserves credit for this valuable distinction, so necessary in any investigation of authority and progress.

The purpose of this lengthy critique of the concepts of deficiency and substitutional has been to examine the relation of the two orders of truth more closely and to reconcile modern trends with Simon's principles of authority and autonomy. In conclusion, attention should be called to a key word in the phrasing of those principles as given in Philosophy of Democratic Government. Simon says that true progress of society and liberty demands that "at every given moment in the evolution of a community the greatest possible number of tasks should be directly managed by individuals and smaller units, the smallest

54 The terms homestead and function first appear on p. 56 of Democratic Government. There, Simon explains that the first deals with a particular good as private, the second with a particular good as special.
possible number by the greater units." The key word is, of course, the word possible. It would seem that the nature of knowledge as a social effort, and the nature of technological progress with all its consequences, do play a significant role in determining just what this possibility in any given situation may prove to be.

Another instance of lack of clarity in Simon's theory occurs in his description of the ideal society which he posits in order to show that authority has essential functions. In his first book, he states that the best way of determining whether authority has an essential function is to consider "a community of adults, intelligent and of perfect good will, and to inquire into the requirements of the common life of that community." In his later work, he asks the reader to bear in mind "the picture of a society made exclusively of clever and virtuous persons," adding that such a picture is not unreal if restricted to very small societies, such as a man and his wife; he then restates the question as follows: "The question is whether unanimity can be established in better than casual fashion among the perfectly clever and well-intentioned members of a society which is, by hypothesis, free from deficiencies." Later in the same book, he posits a group of persons who are all virtuous and enlightened, no ignorance or illusion interfering with their

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55 Democratic Government, p. 1140.

56 Nature and Functions, p. 16.

ability to determine the proper means to the end. At still another point, he speaks of a society composed of "good and enlightened people," who spontaneously intend the common good and wish to subordinate their private advantages to it. Lastly, he says that two common mistakes contribute to the false belief that government would be unnecessary "in a society made of perfect people," and uses the phrase "ideally perfect people" twice in the same part of the chapter.

The question to be asked is what precisely Simon means by perfect people. James R. Flynn of the University of Chicago, in a doctoral dissertation which criticizes Simon severely on this and other points, has insisted that Simon means that the members of this ideal society have reached absolute moral perfection (heroic virtue) and complete enlightenment. In Flynn's view, Simon—in his desire to refute the classical theory that deficiencies and lack of political prudence among normal men make government necessary—has posited a state of perfection in which all men acting in their public capacity as members of the governing personnel must be perfect to the point of being completely equal in virtue and knowledge, reaching unanimous decisions on every point and having the same identical view of the common good. This estimate of Simon's hypothesis gives Flynn a handle for all sorts of objections, of course, each

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59 Ibid., p. 37.
60 Ibid., pp. 69-70, p. 67, p. 69.
61 Flynn, pp. 68, 86, 151, 161.
leading up to the conclusion that in such a society of identically perfect men there would be no need for authority. 62

To cite a few of these objections, Flynn argues that identically perfect men would always agree unanimously on the best means to an end, and if a number of equally valid means were available, then they would all consent to a chance mode of decision, such as the flip of a coin—which is not (for Flynn) obeying authority. 63 Also, he continues, Simon makes obedience when in the minority the proof of respect for authority; yet there would be no minorities in a society of perfect men. 64

But it is to Simon's argument based on the volition of the common good that Flynn directs his principal attack. His contention is that Simon has posited an ideal society in which men in their private capacity are merely normally virtuous as they intend their own particular goods, but who in their public capacity as part of the governing personnel must be endowed with heroic virtue. 65 What happens, he asks, if the wife of a murderer also participates in government? She cannot in good conscience defend her private good (the liberation of her husband), since in her state of complete enlightenment she sees that this would harm the common good. She must make an heroic sacrifice, or be guilty of moral fault. In the same way, Flynn asks, how can any man urge

62Tbid., p. 85.
63Tbid., pp. 57, 199.
64Tbid., p. 86.
65Tbid., p. 68.
his own interests against the common good if he knows that, as a member of the
governing assembly, he must join in opposing his own fight when the community
reconvenes? For Flynn, this division of capacities which Simon introduces in
the individual resembles the two wills of Rousseau, and asks the normal
individual (as private citizen) to make repeated heroic sacrifices, something
only a spurious common good would ever do. 66

According to Flynn, Simon should not have attempted to construct an ideal
state using a level of heroic virtue and complete enlightenment, for such a
level is impossible of attainment by man and is thus "inappropriate to the
conduct of an inquiry into the essential functions of authority." 67 What Simon
should have posited, he declares, is an ideal society in which men are merely
quite virtuous and enlightened, in which all men are more than normally endowed
with the virtue of political prudence and are thus able to rule, yet one in
which men are not identical. 68 If Simon had restricted his argument for the
necessity of authority to such a society, Flynn states that he would be in
perfect agreement, for in such a society there would be inequalities (as in the
state of innocence according to St. Thomas), and differences of opinion concern­
ing means to an end and the demands of the common good could still arise due to
the different backgrounds, experience, and degrees of virtue and knowledge in

66 Ibid., pp. 65-67, 82.
67 Ibid., pp. 93-94.
68 Ibid., p. 110.
citizens. Thus the wife of the condemned man would truly believe the common good better served by her husband's liberation, because of her unique relation to him, and do so without moral fault; nor would the judge, holding an opposite view, be at fault either.69

Such, in summary, are the significant objections proposed by Flynn. The writer has reproduced them here not only because they constitute the single lengthy and lively criticism of Simon's theory which he has been able to discover, but primarily because they illustrate how Simon's use of terminology can cause misunderstanding of his theory in some minds. The writer himself rejects Flynn's interpretation of Simon and the objections based upon it, for it is quite clear that Simon did not intend his perfect people to be absolutely perfect, much less identical. For one thing, Simon uses St. Thomas's statements concerning the state of innocence to develop his theory of perfective authority, and in this state Simon clearly recognizes that there would have

69 Ibid., pp. 166-168. For Flynn, the wife's action would arise from defective knowledge, and he interprets St. Thomas to mean that the wife is merely normal, not perfect, in that she is incapable of perfect apprehension of the whole matter of the common good (p. 70). This is opposed to Simon's interpretation, which is that her will is good and conformed to the divine will because she is willing what the common good wants her to will—the good of the family which is her proper concern. It would seem that Flynn thinks it necessary to posit a deficiency as the cause of the apparent conflict of wills because he does not understand Simon's argument and thus maintains that every citizen, to be virtuous, must will the common good materially at times, i.e., if there is ever any conflict with his particular good. Simon admits this as necessary only when the structure of society has broken down, as in the case of the military commander who realizes that headquarters is ignorant of the true situation or cannot be reached (Democratic Government, p. 44). This possibility would have to be eliminated from an ideal society, in the writer's opinion.
been inequalities, for perfective authority depends upon them. 70 Secondly, Simon's intense concern for the value of spontaneous, individual energies in the willing of particular goods is diametrically opposed to any such inhuman uniformity, nor does he favor it in the willing of the common good materially, as his criticism of Plato's ideal state makes very clear. 71 Thirdly, the example of a husband and wife community, cited by Simon as an example of what he means, is hardly a society made up of absolutely and identically perfect people. Lastly, Simon's ideal society is obviously a technique devised for the purpose of discovering what authority would be essential to mankind in a state free from deficiencies, a state of nature—for Simon says that deficiency "always signifies the lack of a perfection that a subject should possess in order to satisfy fully the demands of its nature," 72 and Simon does not hold that men are by nature identical.

The temptation is strong to suspect that Simon's theory was not read carefully by Flynn. At least Flynn does not seem to have considered it in all its aspects, for his interpretation borders on a caricature. And yet it may be admitted that Simon's words, if taken literally, open the door to misunderstanding; the passages already cited from Simon are evidence for this. Furthermore,

70Democratic Government, pp. 59-60, n. 23.
71Ibid., pp. 51-55.
72Ibid., p. 8.
the temptation to which Flynn succumbed is strong in the human mind, namely to
suppose that if all men are perfect they must be identical, that perfection is
a completely univocal term for one thing. Simon might easily have obviated
this difficulty, but he did not, perhaps, think it necessary.

Another factor which may have led Flynn (and possibly other readers)
astray, is the comment by Maritain in his review of Simon’s Marquette lecture,
quoted at length in Philosophy of Democratic Government. Here Maritain sums up
Simon’s position (evidently with the latter’s approval) in these words: “Let
us suppose . . . a community made up of perfectly intelligent and perfectly
virtuous human beings.” He then goes on to add his own comment: “Prudence as
such is infallible; therefore, if we suppose two men perfectly intelligent,
well-informed and virtuous, placed in the same circumstances, will not the
prudential judgment of these two men necessarily be the same, since in both of
them it is taken in conformity with an appetite that perfect virtues cause to be
right toward the end?” Simon rightly restricts this sameness of judgment to
the case where the means is uniquely determined already, but even at that, by
sanctioning both Maritain’s use of the terms perfectly intelligent and
perfectly virtuous, as well as the conclusion regarding identical judgments,
Simon went beyond the hypothesis of the state of innocence and posited an
equality of virtue. He thus left the way open for an extreme interpretation by
not dispelling that illusion from the start.

In the writer’s opinion, therefore, Simon does not clearly establish what

he means by perfect people in his ideal society. On the one hand, he seems to be using the state of innocence discussed by St. Thomas, where man had supernatural and preternatural gifts; on the other hand, he seems at times to be speaking of what theologians call the state of pure nature, a hypothetical state of man created without these gifts, since he uses the term essential functions, in apparent reference to man's essence or nature. There is another ambiguity: Simon says that his ideal society is free from deficiencies, while in certain other writings apart from his two main works on authority he holds that freedom from deficiencies is not to be found in a state of pure nature. And so the question remains unanswered. Flynn's solution to the

74Democratic Government, p. 20.

75Community of the Free, trans. Willard R. Trask (New York, 1947), pp. 109-112. The third chapter of this book, entitled "Pessimism and the Philosophy of Progress," is an excellent study of various theories of progress and brings out Simon's own views very clearly. Simon prefers to call himself a pessimist concerning human nature, and emphasizes the fact that death, disease, and irksomeness of labor would have existed in the state of pure nature. This view he opposes to that of Pascal (whose exalted view of uncorrupted nature made him blame sin for much that is really in nature and thus form an extreme estimate of man's natural possibilities), and to the confident optimism of those who always see utopia in the near future. Simon holds that a realistic pessimism enables us to see that justice is not absent from history, that the struggle for it is not doomed to defeat—it is only extremely difficult. He develops the same ideas further in "Christian Humanism: A Way to World Order," in From Disorder to World Order, Papers Delivered at Marquette University's 75th Anniversary Conference (Milwaukee, 1956), pp. 185-208. If it is true that to understand a political thinker one must know his position on original sin—and the writer believes that it is—then these two works provide an important insight into those theological postulates which influence Simon's political philosophy.
problem, that such a society should be made up of men more than normally gifted in political prudence but unequal in talents and virtue, seems a reasonable hypothesis, provided that deficiencies in the practical order be eliminated.

It seems to the writer, however, that some introduction of the problems of specialization due to theoretical deficiencies discussed in an earlier part of this critique might make the hypothesis less utopian and give it added cogency in the demonstration. The problem of what constitutes perfection is certainly not an easy one to solve, hence the hypothesis must be as realistic as possible without positing deficiencies, and as ideal as possible without distorting the nature of man. As a methodological tool, therefore, it has its limitations along with its utility.

In conclusion, this lack of clarity on Simon's part does not threaten his theory, but it does indicate a weakness which should be corrected if his demonstration is to achieve its end with maximum success.

Simon's over-all treatment of the perennial problem of the relation of the common and the individual good is much more implicit than explicit. Actually, in his works on authority he is rather supposing a moderate view of the primacy of the common good. This is confirmed by his review of Charles De Koninck's book, *De la primauté du bien commun contre les personalistes*, in which he declared that De Koninck (whose position he neatly summarised) had "outlined, with unusual profundity and accuracy, the main aspects of a theory of the common good . . . . We do find in it a most valuable contribution to
the definition of the common good and to the vindication of its primacy.76

What Simon might well do is to integrate this doctrine on the primacy of the common good with his own theory of authority, not only for the sake of completeness, but also so that no doubt can possibly remain in the reader's mind that his emphatic statements concerning the need for volition of particular goods are not a roundabout way of minimizing the demands of the common good. This writer, at least, felt such a suspicion mounting at times, until he reflected upon the generally balanced tenor of Simon's theory. A more extended development of the example provided by St. Thomas (the wife of the thief and the judge) suggests itself as a suitable method of pursuing the investigation, for this intriguing problem raises many more questions than Simon has answered in his treatment of it.77 Simon deserves credit for applying the example to authority, but it is to be hoped that he will be able to use it more fully in further investigations.

76"On the Common Good," Review of Politics, VI (October 1944), 530. Simon praised the positive aspects of De Koninck's book even though he realized that much of it could be taken as an attack on Maritain, to whom Simon has always been very close. For the story of the controversy which De Koninck stirred up, see James L. Anderson, S.J., "A Recent Controversy on the Common Good," Unpublished Master's Thesis (Loyola University, Chicago, 1957). It is interesting to note that Simon published an article in the personalist magazine Esprit, "Notes sur le federalisme proudonien," in 1937, which was praised by Maritain in Scholasticism and Politics, pp. 87-88. The passage quoted by Maritain is a concise summary of Simon's principles of autonomy and authority.

77For example, what of the objection adumbrated by Flynn (p. 65), that if the wife were also the judge she would be forced to will materially both the common and the particular good at the same time? What are the limits to which a person can will a particular good without investigating the possibility of harm to the common good materially considered? How much does the form of government influence the situation? The list could be extended almost indefinitely starting from this single example.
So much for the criticisms of Simon's theory which the writer has intended to discuss in this thesis. They are far from being complete, in three ways. First, only a few problems have been selected for discussion from among a large number of thought-provoking statements made by Simon. This was made necessary by considerations of time and space, as well as of the relative intrinsic connection of each problem with the central arguments of Simon's philosophical theory of authority. The writer believes that the most important criticisms have been presented, but admits that omissions have, unfortunately, been necessary. 78

Secondly, the criticisms offered have undoubtedly not been as accurate and profound as they should be, and for this the writer takes full responsibility. Third, the approach has been predominantly negative, and has thus not bestowed sufficient praise upon a theory which so richly deserves it. Simon's investigation, however, is its own best advertisement, and the brief summary of its merits at the end of this chapter will, the writer hopes, serve to atone in part for this largely one-sided evaluation.

What can be said, then, for the merits of Simon's philosophical theory of authority? In a general way, the theory is valuable primarily because it

78 Such, for example, is the criticism of Simon's use of the term despotic offered by Mortimer Adler and Walter Farrell, O.P. in their article, "The Theory of Democracy, IV," The Thomist, IV (July 1942), pp. 487-492. In summary, they claim that Simon substituted despotic for royal in his analysis of types of regimes, thus departing from both Aristotle and St. Thomas. Their analysis seems solid to the writer, but since the question does not affect Simon's theory to any great degree, it was omitted from consideration in the critical evaluation.
accomplishes what it set out to do; it proves that authority is essentially good, that it is not opposed to liberty, that it does not arise solely from deficiencies, but from the nature of man. Secondly, the theory establishes principles for the proper employment of the functions of authority, principles which ensure the right combination of the forces of liberty and authority.

Third, the theory is not static, but dynamic, in that it takes progress into account. Fourth, Simon's theory witnesses to the vitality of the perennial philosophy in dealing with modern problems: Simon can legitimately take his place among those present-day exponents of Thomism who have not feared to go beyond the boundaries set by their predecessors, while he yet remains a follower of St. Thomas in the basic approach which he takes to the nature of man and the nature of authority. His theory deserves to be called a Thomistic theory of authority, despite any reservations which one may have concerning his interpretation of St. Thomas on the nature of practical intellect. Lastly (but this enumeration of virtues does not pretend to be exhaustive), Simon's work is a strikingly original approach to the enigma of authority by way of its functions, an approach made possible by the distinction between the two great questions of authority and between authority and its instruments and forms. This is an approach which has never (to the writer's knowledge) been attempted

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79 The writer is thinking of Maritain, of course, with whom Simon shares a common view of freedom, authority, practical intellect, and the volition of the common good. The reader of Maritain's Scholasticism and Politics and Man and the State, for example, cannot fail to note the affinity between these two Thomist political thinkers and their willingness to strike out into fresh areas of investigation.
before or since.

More in particular, the writer feels that he owes a debt of gratitude to Professor Simon for certain valuable insights: the utility of approaching authority from the standpoint of conditions for unanimity, the extreme importance of the virtue of prudence to any discussion of authority and government, the distinction between willing the common good formally and materially, and the need for life and spontaneous energies at lower levels as a basis for a hierarchy of authority which makes autonomy possible.

Finally, it should be noted that Simon's delightful and readable style and his talent for apt examples (particularly in his later book) play no small part in convincing his reader. And although criticism has been leveled at his use of terms, a good deal of his original nomenclature (such as substitutional, essential, deficiency theory, coach-driver theory) deserves a permanent place in political theory.

In short, Simon's work is an extremely valuable contribution to the study of authority; the theory is not exhaustive or immune from criticism and improvement, but for its originality and general excellence it deserves high commendation.

80 Works dealing with authority in the scholastic tradition generally treat the problem of the transmission of authority or its moral power to obligate in conscience. Most modern works not in this tradition tend to examine authority from historical or psychological perspectives, or in terms of particular settings. None has adopted Simon's approach. This is the conclusion of the writer after examining the works listed in the bibliography and others as well. Simon's investigation remains unique.
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C. UNPUBLISHED MATERIALS


APPROVAL SHEET

The thesis submitted by John Alanson Lucal, S.J. has been read and approved by one member of the Department of Political Science and two members of the Department of Philosophy.

The final copies have been examined by the director of the thesis and the signature which appears below verifies the fact that any necessary changes have been incorporated, and that the thesis is now given final approval with reference to content, form, and mechanical accuracy.

The thesis is therefore accepted in partial fulfillment of the requirements for the Degree of Master of Arts.

Dec 31, 1960
Date

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