

INTRODUCTION

Patrick McKinley Brennan

“It is my contention . . . that authority
has vanished from the modern world”

--Hannah Arendt

The year was 1956 when Hannah Arendt declared authority vanished.ⁱ In 1974 Frederick Edelman, S.J., could say in serious circles: “It seems evident to anyone giving thought to the matter, that at the root of contemporary social ruptures lies an attack on the theory and practice of authority.”ⁱⁱ And by 1976 it was fashionable to assert, as R. Baine Harris did in introducing the anthology *Authority: A Philosophical Analysis*: “Authorities are now being challenged in all areas of human life. . . . We are now witnessing a challenge to the very *idea* of authority. The crisis of authority is more than a reconsideration of how authority should be expressed in society. It extends also to a reconsideration of the *meaning* of authority.”ⁱⁱⁱ

After Authority stands in the tradition of those who wonder about the possibility of authority in the modern world. A half-century after Arendt wrote, three decades after Harris wrote, Glenn Tinder reports: “That the Western nations today are in the midst of a crisis of authority is sensed very widely.”^{iv} It is the judgment of Michael J. White that “it is not unfair to characterize modern thought, beginning in about the seventeenth century, as exhibiting a profound skepticism concerning the classical idea of natural authority.”^v And Thomas Kohler speaks not for himself alone when he reflects: “[T]hreat seems to lurk in the shadows that the word [authority] casts. From this perspective, authority stands as a challenge, if not an affront, to my insistent self-sovereignty.”^{vi}

The reports could be multiplied almost endlessly, and no student of modernity could fail to see their point. Quite simply, according to Joseph Vining: “It does seem to be a hallmark of modernity to dismiss ‘authority,’ the very notion of it.”^{vii} Whatever authority once was, something has changed.

Notwithstanding all this, and perhaps despite it all, in 1985 Joseph De George could observe in beginning his minor classic *The Nature and Limits of Authority*: “Authority pervades society. . . . [W]hat can be called the *authority experience*” is common throughout our societies.^{viii} Will anyone deny this outright? The evidence remains that children heed the authority of their parents; citizens obey the authoritative orders of the courts; the faithful adhere to the authority of the Pope and Church councils; and so forth. The tantalizing possibility of disobedience, sometimes seized, only testifies to antecedent authority. As Joseph Vining sees it, “the truth is that authority and the response to it we call ‘deference’ or, in its full presence, ‘willing obedience,’ are to be

found everywhere in the modern world.” John E. Coons elaborates another perception of authority:

Employing the voices of nature, of revelation, and of positive law, authority proclaims to individual reason the fact of personal responsibility The effect is transforming, delivering the human will from what is otherwise a repertoire of unmeaning possibilities. When authority confers consciousness of good and evil it allows the capacity for choice to become a real actor in a real story in which decisions cease to be arbitrary preferences. Its first gift is the news that there is a point to this freedom.^{ix}

Coons’s verbs are in the indicative mood, not the optative.

And again, the reports could be multiplied, as they are throughout the book. Ranging from Church to civic life, the “authority experience” remains common. Still, what *is* authority? The dictionaries and encyclopedias abound with recorded usages, but what of the phenomenon?

This volume of original essays responds to the perception of a paradox. Reports of authority’s disappearance persist even as most people’s experience of authority (and authorities) perdures. Glenn Tinder follows his observation of the “crisis of authority” with this: “[N]either the nature nor the cause of crisis is clear. Nor is it clear even whether it is altogether a bad thing, since it presumably consists in a weakening of authority and that, given the evils of ‘authoritarianism,’ may be desirable.” The danger of the authoritarian is *concessum*, but can authority survive a “weakening?” Relatedly, can authority make its appearance in a world driven by Darwin, bureaucracy, atomization, indifference? In a word, whither authority in McWorld? All ten authors of this volume affirm the possibility of genuine authority – that is, of authority that is not mere human artifice ‘all the way down.’ While affirming that there are principles of human unity that transcend mere contingent human agreement or imposition, they differ in their assessment of authority’s nature and operation.

Tracing the ideological legacies of Thomas Hobbes and Jean Jacques Rousseau, Michael J. White observes the elusiveness of authority that is not merely the contingent consequence of the consent of the governed. As White notes, “For someone like Bertrand Russell or Professor Richard Dawkins, who holds that ‘Science [note the capitalization] presents for belief’ a world that is ‘purposeless’ and ‘void of meaning,’ I suspect that the notion of natural [that is, non-contractual] authority can have little if any purchase.” White does not count himself among those for whom genuine authority has vanished from the world. But whence authority in our frequently denatured world? Steven Smith, whose ‘Hollow Men? Law and the Declension of Belief’ brings the volume to conclusion with the help of the insights and observations of Joseph Vining and the poem ‘God’s Grandeur’ by Gerard Manley Hopkins, S.J., suggests this answer:

[Oliver Wendell] Holmes’s famous essay was called “The Path of the Law,” and Holmes’s Path is one that for generations now we “have trod, have trod, have trod.” The path leads to a dead end, I think, and so at the moment the picture can be a dispiriting one. The whole enterprise “wears man’s smudge and shares man’s smell.” Yet even here, if with Joseph Vining we pay close attention to the

underlying commitments and presuppositions that pervade law and that we seem constitutionally unable to relinquish, we may glimpse “the dearest freshness deep down things.” “[T]hough the last lights off the black West went,” even so, transcendence “will flame out, like shining from shook foil.” And so we can say that the world – and even the law – is “charged with the grandeur of God.” That vision is at least part of what a Christian jurisprudence should help us see.^x

The symposium out of which this book grew was intended as a contribution to Christian jurisprudence. It is instructive that David Stagaman, S.J., in *Authority in the Church* (a book mentioned by Cardinal Dulles in his chapter of the same title herein^{xi}), relies on the work of Joseph Vining, *The Authoritative and the Authoritarian*^{xii}, to articulate a theology of authority in the Catholic Church.^{xiii} The traffic on the roads to Rome flows in two directions, in other words. A working premise, variously supported and qualified throughout the text, has been that authority as it appears in the body politic and the state is not *toto caelo* apart from other manifestations of authority. Still, what *is* the “authority experience?”

The English word “authority” is derived from the Latin word *auctor*, which Lewis and Short’s *New Latin Dictionary* defines as one who “brings about the existence of any object, or promotes the increase and prosperity of it, whether he originates it, or by his efforts gives greater permanence or continuance to it.” But, as Cardinal Dulles observes in this connection, “For better or worse, the term has taken on a modern meaning, which might be summarized as rightful influence or rightful power over the minds and behavior of persons.” Dulles continues: “When we speak of authority in a society, we generally have in mind something more than influence. Authority in the strict and formal sense means rightful power to perform certain official acts, such as the issuance of laws and commands that require obedience or the formulation of doctrine that requires assent. Authority implies dominion over free human agents.” Rather than of command or dominion, John Coons identifies an authority of invitation – and he goes on to indicate some practical consequences of an authority that invites rather than commands. But which thing authority does – command or invite – is a question of fact. More generally, it remains a question of fact, for us descendants of Holmes, whether we and the universe are constructed in such a way that we have access to authority; or is the design such that, as Arendt believed, authority is absent now? The possible is not necessarily necessary. One thinks of that other line from Hopkins’s poem: “The soil is bare now, nor can foot feel, being shod.”

Cardinal Dulles’s concern in defining authority was the life of the Catholic Church, a society which differs from other societies because of the particular unity therein of both human and divine elements. However, this definition or a variation on it vies for acceptance in all the perfectly mundane societies to which each of us belongs. Indeed, it is the Catholic view, as Russell Hittinger explains, that authority attends authentic society as such; authority is not an imposition *ab extra*, a dolloping out of direction from someplace else. As Hittinger goes on to observe, it is the existence of the multiple societies, such as families and churches and clubs, each with its own proper authority to govern within its respective sphere, that constitutes the bedrock within which that particular society that is the modern state must take its place, not usurping rightful dominion that is not its own. The Catholic contribution to a Christian jurisprudence

includes the insight that authority is to be found in human persons' various social unities; it is not the mere concession of the bureaucratic instrument that is the state.^{xiv}

Furthermore, in a world such as our own, in which suffocation by bureaucracy and the blows of authoritarian sovereignty have been felt, the super-abundantly cautious are tempted to dispense with authority altogether in order to avoid the menace of the authoritarian. If that temptation is refused, how is genuine authority to be recognized, the pretenders rusticated? This characteristically modern quandary receives attention throughout the volume. Consider, by way of introduction, this catechetical colloquy:

'Then again I asked him: 'Supposing the Pope looked up and saw a cloud and said 'It's going to rain', would that be bound to happen?'

"Oh, yes, Father,"

"But supposing it didn't."

'He thought a moment and said, "I suppose it would be sort of raining spiritually, only we were too sinful to see it."'^{xv}

Thus Evelyn Waugh introduces the modern readers of *Brideshead Revisited* to the notoriously Catholic concern with authority, in this case the authority of the Bishop of Rome. How is it to be recognized? In an over-eager display of obedience, the catechumen Rex Mottram, under instruction in order to make possible a "Catholic wedding," posits the existence of an authority at Rome that can predict or even command the weather; those unable to verify the satisfaction of the Pope's authoritative pronouncement, Mottram is willing to suppose, are "too sinful to see" what is plain to the virtuous. This extravagance combines with others to lead Father Mowbray, S.J., the long-suffering instructor of the catechumen, to conclude that Rex Mottram "doesn't correspond to any degree of paganism known to the missionaries." But, in the end, Father Mowbray agrees to receive Rex into the Church, it being necessary "to take a chance sometimes – with semi-imbeciles, for instance."

As so often happens in *Brideshead*, the unsophisticated see and somehow communicate deep truths. Though Mottram was wrong concerning the particulars of the Pope's authority, he was right in sensing that authority is, as Abraham Lincoln said of equality, a tough nut to crack. Nobody comes stamped with authority, not even the Pope.

As to some matters, including the weather, the Pope speaks as all non-meteorologists speak; as to other matters, the Pope can speak with authority, much as Christ himself, as scripture records without qualification, "spoke as one with authority." As Cardinal Dulles observes, "[t]he question of authority in the Church has been much discussed since the Second Vatican Council;" whereas in a representative democracy, "authority comes from below," "in the Church, authority comes through God through Jesus Christ, who instituted the Church as a hierarchical society." Still, what authority to attribute to statements of the Pope on matters of faith and morals not delivered *ex cathedra* is the subject of ongoing debate in good faith of theologians trained in the heart of the Catholic tradition. How the members of that hierarchical society identify and embody that authority received from Christ is one of the questions Dulles pursues. Others will give it a different answer; David Stagaman already has, with the help of Joseph Vining, in the aforementioned book. Does this work or witness a destabilizing of authority? Cardinal Dulles quotes Karl Rahner, S.J., as follows: "The Catholic does not

demand a juridical norm by which the Pope could be impeached, he relies on the power of the grace of God and of the Holy Spirit in the Church.”

Outside of the Church, the phenomenology of authority, as we might call it, is -- though lacking in supernatural elements -- surprisingly complex. Consider a quotidian example from the world of law. The opinion of the Supreme Court of the United States in *Plessy v. Ferguson* (1896), which gave compulsive, legal effect to the “separate but equal” doctrine, is still, as they say, ‘on the books.’ However, without a jot or a tittle of the text’s having altered, someone trained in American law would say that the decision has been divested of what authority it once carried; the untrained eye would miss this altogether. To take another example that exemplifies the same point from a more oblique angle, if the question is what authority can be found in the judgment of the Supreme Court in the case *Bush v. Gore* (2000), which rendered George W. Bush the President and Al Gore a citizen, the answer will have to come from a mind trained in the dynamic logic of our legal tradition; though the case has not been overruled or even questioned by a majority Supreme Court opinion, the question of its authority is by no means transparent, and the best-trained minds have in fact reached differing conclusions. The official written pronouncements of even our most august civic bodies carry no imprimatur of authority; indeed, as J. Budziszewski shows, the writtenness of law sometimes tends to, and in the judicial culture of the United States today sometimes does, undermine law’s authority, while allowing the state to grow through the unlawful usurpation of power by those in positions of legal authority.^{xvi} Those agreeing with Budziszewski’s diagnosis of the current American situation will look again to the path sketched by Hittinger, according to which authority is located in societies, not conceded from time to time by a unitary sovereign.

A cognate issue is developed in the chapters by Thomas Kohler and the present author, both building on the classic essay by Bernard Lonergan, S.J., “Dialectic of Authority,” which first appeared in the 1974 anthology quoted at the beginning of this Introduction. On Lonergan’s understanding, legitimate governments create authorities or offices, but a person’s de facto occupation or possession of such an authoritative position or office does not guarantee that he or she will embody authority. As one influential account observes, one can be *in* authority without being *an* authority,^{xvii} and the conditions of the latter frequently are hard to satisfy. Kohler links embodied authority -- that is, *being* an authority -- to friendship and solidarity; Brennan traces such authority to contextual satisfaction of the unrestricted human desire to know the real and the good.^{xviii} Both authors insist that an ongoing dialectic is necessary to avoid authority’s declension into the authoritarian. Harold Laski saw the need of such a dialectic, and commented on it as follows in his *Authority in the Modern State*: “If we remember St. Francis we must not forget the inquisition; if we insist upon the wrong of Hus’ condemnation, we must not neglect the splendid ideals of the Cardinal of Cusa. We have to remember, in brief, that the realization of the Kingdom of God involves the holding of property, the making of contracts, the appointment of officers, the determination of dogma. The fact that the Pope is the vicar of Christ does not exclude scrutiny into the details of his election. And our judgment upon the state must be in similar terms.”^{xix} By a comparison of texts’ respective places in the law of the state and in the life of the Catholic Church, Brennan clarifies the existential conditions of authority. Kohler’s conclusion in this vein

is both sobering and emboldening: “[A]uthentic authority requires authentic friendship, embodied in shared judgments about what is objectively and verifiably valuable.”

Hannah Arendt denied that the conditions of authority can be satisfied in today’s world. The authors of the present volume have been unwilling to limit the conditions of the possibility of legitimate power over the free individuals of a community, as Arendt did, to the Roman trinity of religion, tradition, and authority. If Kohler is right and friendship is a necessary condition of authentic authority, then perhaps the obtaining matrix of atomized individuals and sovereign state renders authority elusive or impossible. But perhaps deeper within that matrix there lie enough genuine societies in operation, each with its authentic authority and animated by the bonds of friendship in pursuit of the truly valuable, that we are not as bad off as sometimes appears in the emergent McWorld.

Withal, it remains a question of fact. The contribution of the present volume to Christian jurisprudence is a fresh collection of theological and philosophical insights into the human capacity to separate the authoritative from the authoritarian, across the spectrum of human living. Across the spectrum of human living, the fact proves the possibility, though the fact may prove difficult of achievement. Will transcendence “flame out, like shining from shook foil?” Will there be what Joseph Vining called that “eschatological thrust in law?” Holmes denied the possibility. The authors gathered together here affirm it. But it is a conditioned possibility, as Joseph Vining explained in one of the texts that raised the possibility of the current study, *After Authority*:

Legal analysis consists of working with texts, as others work with texts. There is much else in addition in the practice of law and much else in the deciding of a wrenching case. But this is what the legally trained do when asked to find the law and say what the law is, whether they are judges, or among those who are, in fact, the source of statements of law in that greater part of human affairs that does not and never can reach a court.

Are they foolish to engage in this kind of activity? Is it a front, a cover? Is it beside the point, superfluous or superstructural? The question is always with us and may be asked now The shape of the answer that will emerge should be evident. It is an answer of the not-if kind. Not foolish, not superfluous, if law is to have authority. Not if law is to hold us, evoke our willing acceptance rather our resistance. Not if law is to be a source to be looked to in discovering what we ought to do. Perhaps we do not or ought not to want that; but if we do not, then we cannot complain about disintegration, disappearance of authority, of respect, and of self-respect, or of loss of meaning in the modern state.^{xx}

ENDNOTES

- ⁱ Hannah Arendt, "What Was Authority?," in Carl J. Friedrich (ed.), *Authority: Nomos I* (Cambridge: Harvard University Press, 1958), 81. The paper was delivered in 1956; the volume came out in 1958.
- ⁱⁱ Frederick J. Adelman, S.J. (ed.), *Authority* (The Hague: Martinus Nijhoff, 1974), 1.
- ⁱⁱⁱ R. Baine Harris (ed.), *Authority: A Philosophical Analysis* (University, Alabama: University of Alabama Press, 1976). 1.
- ^{iv} Glenn Tinder, "Liberty and Authority," *infra*.
- ^v Michael J. White, 'The Disappearance of Natural Authority and the Elusiveness of Nonnatural Authority,' *infra*.
- ^{vi} Thomas Kohler, 'A Rock on Which One Can Build: Friendship, Solidarity, and the Notion of Authority,' *infra*.
- ^{vii} Joseph Vining, in 'Authority and Reality,' *infra*.
- ^{viii} Richard T. De George, *The Nature and Limits of Authority* (Lawrence, Kansas: University Press of Kansas, 1985), 12 (emphasis added).
- ^{ix} John E. Coons, 'Does Authority Command or Invite?,' *infra*.
- ^x Steven Smith, 'Hollow Men? Law and the Declension of Belief,' *infra*.
- ^{xi} Avery Cardinal Dulles, S.J., 'Authority in the Church,' *infra*.
- ^{xii} Joseph Vining, *The Authoritative and the Authoritarian* (Chicago: The University of Chicago Press, 1986).
- ^{xiii} David A. Stagaman, S.J., *Authority in the Church* (Collegeville: The Liturgical Press, 1999), 35-38, 46-47, 51-55.
- ^{xiv} Russell Hittinger, 'Society, Subsidiarity, and Authority in Catholic Social Thought,' *infra*.
- ^{xv} Evelyn Waugh, *Brideshead Revisited: The sacred and profane Memories of Captain Charles Ryder* (New York: Alfred A. Knopf, 1944), 174-75.
- ^{xvi} See J. Budziszewski, 'How A Constitution May Undermine Constitutionalism,' *infra*.
- ^{xvii} See Richard A. Flathman, *The Practice of Political Authority: Authority and the Authoritative* (Chicago: The University of Chicago Press, 1980), 16-19.
- ^{xviii} Patrick McKinley Brennan, 'Locating Authority in Law,' *infra*.
- ^{xix} Harold J. Laski, *Authority in the Modern State* (New Haven: Yale University Press, 1927), 68.
- ^{xx} Vining, *The Authoritative and the Authoritarian*, 40.