

## NORMS IN GOVERNMENTAL CRISIS

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URING the pioneer days of our country families and individuals crossed the great western wilderness. At times a family, exhausted by the hardships of the journey, would pick a likely spot and stake its claim—there to build a home, almost unconcerned whether others came near or not. The members had reached their limit. The men prepared a rude cabin; the women made it comfortable; children were born and reared. Life, not too unlike what had been left behind, began again. Also exhausted, other pioneers would soon reach that spot and beg to be allowed to start a dwelling nearby. Then others. Soon the cluster of houses became a village; cities and states emerged; officials were elected; authority established; law and order prevailed. Again, what had been left behind would reappear in the midst of a new wild country: organized social life, described in the abstract as society and the state.

Whence this phenomenon and why? For this our age these two questions are of tremendous import in view of the catastrophic upheaval in society as we know it. Abroad, Fascism or Communism seems to be the only alternative in organized society. In our own country, the Supreme Court question is very seriously confused and confusing unless there be grasped by leaders and people the true notions of society, the state, authority, government, and their origin.

Were our pioneering forbears or any other people erecting a new government merely aping past ages and customs or was there some vital principle at work which they could not ignore?

The answers as given through the ages depend on the conception of man. Paramount, then, is the question, what is man? Does his very speech and actions declare his nature to be intellectual and free? Can he and does he perceive what is good for himself and others? Can he choose means to attain this good? He seeks food, shelter (as do the animals), clothing, and other bodily comforts. A homely example is a housewife's well-

stocked pantry, with its canned goods, dried foods, and preserves of all sorts. The science there involved is startling, for such provision requires planning and knowledge infinitely superior to animal instinct. But far above food and clothing, man's mind travels to truth, happiness, and peace. He wants to know the *what* and *why* of himself and things about him. His future hangs on this knowledge. To know their truth he must grasp these things mentally, analyze them. This, oftentimes, he cannot do unless he discuss and compare his reactions with those of his fellowmen. Oftentimes others must absolutely teach him truths he could not discover for himself. . . . Are not these mere hints sufficient to show that man is a rational animal, further that he is by nature a social animal, and that he must live with his fellowmen if he would be fully developed?

Men may be social by nature, but this statement does not say what makes society and how it is constituted. Since to know a thing is to know its causes, the clearest way to answer such a question would be to show society's causes.

Perhaps, first of all, it is best to recall what a cause is and to indicate the different kinds that will be here considered. In general, a cause is that from which a thing is, is actualized, or is known (*id unde res est, aut fit, aut cognoscitur*). The first two kinds of causes—what a thing is or what makes it exactly this and nothing else, and how a thing becomes actual—principally concern this discussion. The former asks what are the intrinsic causes of a thing, or, scholastically speaking, the material and formal causes; the latter asks what are the extrinsic causes, or the efficient and the final causes. So when the questions are proposed "what is society, and how does it come about?" the main emphasis falls on its material, formal, efficient, and final causality. The knowledge that society exists is evident from its operation: law and order surrounding human life, enforced by some authority.

The first bare essential that must be grasped is that society is made up of human beings, who, as is known, are all endowed with the same human nature. And, as was indicated above, they are more than animals: they reason; they can know things in a spiritual manner. "I need to handle and see a human soul," said a sceptical brain specialist, "before I acknowledge its existence." To which a friend responded: "Have you ever seen a thought while operating on a brain? Yet you do not doubt it exists; you see its effects." In other words, spiritual thoughts

demand a spiritual cause as do spiritual desires. Their causes are man's intellect and will, powers of his spiritual soul. Because of that intellect and will he is free to know and to do. Thus splendidly endowed, it is man alone who can supply the stuff of which society is made. Human beings are society's material cause, for reasons which will unfold in its formal cause.

Using his intellect and will, man can know and acknowledge (potentially at least) his own and the rights of others, which rights in turn create reciprocal duties. All men need food, shelter, clothing, etc. May one man kill another to get these requirements as beasts do! Life also is an inalienable right. Hence the necessity for intelligent adjustment of one's rights to another's is plain. Duties likewise oblige to the same means. This begetting of right and duty is ever in need of reasonable counterbalancing.

Instead of each individual or family trying to arrange with every other individual or family what belongs to each, all unite their rights and duties—pool them, as it were—so that each owes so much to all and all owes so much to each. A definite form of agreement is set up, which makes of this union of interests a society and not a free-for-all mob. Mutual surrender, mutual exchange, the guarantee of order—acts of intelligent and free creatures—constitute the formal cause of society and make it this kind of a living union.

Intimately joined with this formal cause is that known as the final cause or the reason why such an act or series of acts is placed. In its broadest conception this reason is the *common good*—that which no individual acting for himself could possibly attain. Society's definite destination, the common good, cannot be reached without the mutual coöperation of the individual units, nor can any one unit reach it without others.

The two causes of a thing, material and formal, must be established outside the realm of possibility, or the thing remains in the ideal order only. Something must unite the two parts into a definite, actual whole. In the case of society, men must be brought to agreement and union. A reason for acting, or the final cause, helps bring this about in one way, by persuading the intellects of those involved that union is absolutely necessary. This final cause acts as a stimulant. The result is that the free wills of the people swing into action, and voluntarily they agree to act as a body and place one or many as its head or directing force. Proximately, implicitly, and in the concrete, then, this

free agreeing and free action of uniting for a common end is the efficient cause of society, making it an actuality. It is as though these combined intellects and wills had agreed to a pact, whose power of cohesion confers a new status on the group of individuals; they are now morally one.

Yet this proximate efficient cause is not a sufficient cause of true society. Otherwise communism, fascism, absolute tyranny, monarchy, democracy, or even anarchy could be equally verified as true and good. There is yet a more fundamental, an ultimate efficient, cause by which society is made one. This is God's immutable and eternal law, by which the natures of things and the natures of men are determined and have their being. This eternal law, of which the participation in man is called the natural law, provides the ultimate norm and gives the real force to society's formation. Hence what is contrary to right reason and the natural law cannot be admitted as a coördinating power of society, e. g., fraud, force, or tyranny. Since this ultimate efficient causality is more immediately concerned with the problem of authority, it will be discussed in that connection further on.

Knowledge of these four causes of society and their implications must be had to appreciate and know fully its succinct definition, and to comprehend society's relation to the family, to the state, and to the Church. For in reality, these last are species of a genus. What has been said about society in general applies to these in particular in accordance with the determined nature of each. The application of the term to each is fairly easy to make. To describe or define a journey one looks to the destination rather than to the point of departure (a trip from New York to Chicago is different than one from New York to Washington). So, starting with the genus society as a point of departure, one can know its various divisions by the destination or end of each. That genus can be defined: Society is a moral union of many to work or act for a common end.

The union may exist in a family working for the health, happiness, and destiny of its members. But such a society would be similar to a stop-over at Cleveland on the way to Chicago, excellent in itself, but not the original destination. The family has a further ordination to things which of itself it cannot obtain except in union with other families, for example, external peace. It is this union of families that establishes the state or civil society.

The state then can be defined as a union of families or-

dained to obtaining the good of families, which, acting separately, they could not obtain—good of the body: many foods, medicine, etc.; goods of the soul: truth, peace, internal and external—so that all may enjoy the sufficiency of *human life*. A tremendous responsibility!—imposed on the state by its very nature.

These are supreme *natural* ends which differentiate the State from the Church, whose ends are supreme also, but in the *super-natural* order. These supreme ends make each a perfect and a complete society not antagonistic one to the other but rather correlative, as if one stepped off the train at Chicago to take an airplane to reach a further destination unattainable by any other means of transportation. The difference has been clearly stated by Leo XIII in his *Immortale Dei*: “The Almighty, therefore, has appointed the charge of the human race between two powers, the Ecclesiastical and the Civil; the one being set over divine, the other over human things. Each in its kind is supreme; each has its fixed limits within which it is contained; limits which are defined by the nature and the special province of each.”

Once a society has been constituted—be it the family by marriage and the propagation of children; the state by the free agreement of the governed; or the Church by God Himself—there arises necessarily with that society *authority* or the moral power of ruling the union. This is as necessary as the eye is for seeing, for authority is the principle or source of society’s operation. It is the power of governing public affairs or of directing them to their end. And to this power belongs all the activity required for the attainment of that end. Authority legislates by proposing the obligatory means to the end; authority judges that laws are fittingly or rightly applied; authority enforces the observance of them. This three-fold power is the legislative, judicial, and executive authority, which in our Federal Government is vested in three distinct departments of state: Congress, the Supreme Court, and the President.

Here must be introduced the crux of the question of governmental authority. Appealing to the doctrine of St. Thomas, Father Crofts, O.P., in his recent book, *Catholic Social Action*, says: “The state or ‘associated multitude’ has no existence of its own apart from the members who form it. It is but a moral person. It exists in the members, through the members, and for the members who form it. It has no reason or power of reasoning of its own. It is governed and directed by the united reason

of those who compose it—that is to say by the entire community or by its lawfully chosen representatives who are commissioned to govern and receive authority direct from God.”

This principle of the people’s commissioning one or many to govern and to receive authority direct from God enfolds the fate of nations and of free peoples. This principle must be rightly understood and correctly applied or tyranny rules and free men are enslaved.

How and why can a majority so act as to delegate sovereign authority? Clearly they cannot act as a principal and an immediate cause, for surely, even though one man or family can surrender his own right and take on new duties, another do likewise, and so on, this group cannot thereby act for a whole community. Some may be quite unwilling to concede their rights and assume the new duties. The effect, supreme common authority granted to one or many, would be greater than its cause, individuals. One free man can act only for himself and not for another equally free!

Rather, united free men are a mediate and an instrumental cause of authority, for in some way they do produce the resulting authority as history shows. The explanation is this: Man, acting according to his rational, social nature, recognizes the necessary and submits to it or is destroyed in the opposition. So the “lone wolf” is either destroyed or at last absorbed by society, for working against what is natural he would be one against the pack. Therefore, realizing his natural urges and consciously and reasonably fulfilling them, the social man operates as the instrument of Him Who decreed and fashioned that nature—God. It is His eternal law that is the principal and immediate cause of authority and of its existence in society. He created authority and through His intellectual creatures as instruments He delegates it; for, as has been said, man has a participation of the eternal law in the natural law which is engraved on his very soul. He must act according to this natural law if he would remain rational and free.

And there stands the objective norm by which authorized rulers—constitutional, autocratic, or monarchical—must govern. They are empowered to interpret and make manifest positively what is contained in the natural law. They cannot rule according to caprice nor in the interest of “good politics.” Their laws must be the “promulgated ordinances of reason for the common

good, made by him who has care of the Community." Their norm of reason must be the natural law and Justice.

Since in our national government the care of the community has been vested in three departments, as determined by our freely made constitutions, leaders and people must use the most exacting prudence and judgment in determining the powers of each authority lest one infringe on another to the peril of the state. Usurpation can easily be against the natural law and right reason. Constitutions and legislation made without recourse to those objective norms are madness. A court subject to human whims and control and not judging by the same primary standards is a farce and a degradation. And law enforcement not regulated and controlled by the same norms is tyranny. Reasonable men are bound to resist and if necessary destroy such a possible monstrous machine, though they are also bound to change or correct a defective part of a good government should danger to the common good demand it.

It was a present day trend in government that Leo XIII denounced in his *Quod Apostolici Muneris*: "By a fresh act of impiety, unknown even to the Pagans, governments have been organized without God and the order established by Him being taken at all into account. It has even been contended that public authority, with its dignity and its power of ruling, originates not from God but from the mass of people, which considering itself unfettered by all divine sanction, refuses to submit to any laws that it has not itself passed of its own free will."

This condemnation, thank God, did not apply to the founders of our government, as the principles they embodied in our Declaration of Independence and our Constitutions witness. May it not apply to us in this time of crisis, nor need it if we follow reason instead of political passion.