

The Arts and Authority

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The relation between the arts and civil authority can take various forms. There is, for instance, the strenuous brand of oversight and censorship which Plato proposes in the *Republic* as a way of controlling the arts for the good of the state. While that version of their relationship strikes us as manipulative in the extreme, even the standard policies actually practiced in ancient Athenian democracy raise certain questions. The occasion for the production of Greece's great dramas, for example, was always one of the state-sanctioned religious festivals, and the cultural significance of these plays was not lost on the authorities. Aeschylus's *Eumenides*, for instance, argues dramatically for the innovations then being made in the system for the administration of justice. The agora's ideological battles were often fought out in the theater by such rationalists as Euripides and such traditionalists as Aristophanes.

In chapter four of *Scholasticism and Politics* Jacques Maritain raises the problem of the relation of authority to modern forms of democracy, and his remarks can contribute to our understanding of the relation between authority and the arts, for distorted views of democracy (manifested, for instance, in the persistent confusions of equality with identity) and of freedom (often conceived of as the license to do whatever one wishes, except perhaps to injure others) frequently seem to have paralyzed authority from giving any moral guidance in matters of art. In this area authority has generally been operating on the defensive for generations and in many cases seems to have foresworn any positive, constructive role.

In part the problem comes about from authorities who have forgotten how to be true authorities and who instead understand themselves largely in terms of power. Granted, there have been figures in authority who have grown drunk with their power, but in regard to the arts civil authorities

often seem terrified of using even the legitimate power at their disposal (sometimes, but not always, from a wimpish desire to be liked at all costs). The question readily gets cast as a matter of preserving artistic freedom from any external restrictions—it is not just an opposition to censorship in the strict form of a civilly enforced prohibition on production and display, but resentment even against the more restrained form of censorship by way of reasonable critical comment from recognized public authorities. In other quarters, of course, the issue is debated in terms of removing all financial support for the arts by the government. In the one case we find a liberal account of the complete license claimed as vital for artistic creativity, while in the latter it is as if an a-tonal sonata has been played, one that at first sounds conservative but is actually entirely libertarian in design and thus no more likely to inspire and uplift the soul than the abandonment of harmony in Schönberg. In the first case the anarchy (literally, the denial of any principle of authority) is masked by the appearance of “authority” in the form of a governmental force interested largely in the protection of certain privileged realms of “freedom.” In the second, the anarchy is quite open (“let pure market forces weed out bad art by eliminating all public subsidies”). But in neither case is authority doing its job, that is, using its legitimate power in a restrained way for the genuine promotion of the common good according to the ethical principles that ought to govern authority in the use of the power at its disposal. Those with responsibility seem content to rest on the laurels of some previous generation’s labor at building up humanistic culture. In making this assessment, we must, of course, admit that authority, particularly in the deeply regressive culture in which we presently live, will need to employ great caution in any use of its power, but this admission should not obscure the need for authorities to embark again on the prudent use of both moral suasion¹ and legal remedies in the effort to resume the needed leadership that authority is supposed to provide. After considering the topic of authority in itself, we will turn to Maritain’s thoughts on democratic authority and the arts.

THE NATURE OF AUTHORITY

What sort of thing is authority? What sort of quality is it that lets us say that a person is acting with authority in a certain case? There are authorities

¹ For example, the statement passed at the annual meeting of the National Council of Catholic Bishops on June 19, 1998, urging Hollywood, for the sake of the common good, to reduce the vast amounts of sensational violence and sexual promiscuity in the production of new movies.

in many different walks of life, perhaps by virtue of the office held or by a factor such as knowledge or experience. Although academic authorities are quick to condemn arguments from authority as the weakest of arguments, their own efforts to be recognized as authorities by their peers do not arise from a desire to be the source of the weakest of arguments but from a latent sense of the real definition of authority: the connection of authority to some truth prior to and superior to the person who is giving witness to that truth and thus able to decide about the correctness of an assertion or the advisability of an action to be taken in light of that truth.

The chief task of authorities is to give witness to truths superior to themselves, truths by which they are to make the decisions they do and by which they are entitled to judge whether and how to use the power at their disposal. It is this intrinsic relation of authority to higher truths that allows authority to command obedience and prevents the decisions of authorities from seeming or being partial and arbitrary, whether or not the contingencies of the actual circumstances warrant the authority actually to provide an explicit justification for the decisions taken. This is the case whether it be the truths of physics on which someone like Stephen Hawking is a recognized authority and a competent judge of theories asserted about certain matters in physics, or the truths embodied in the founding documents of a nation on which a Supreme Court Justice is expected to be a juridical authority. We expect from such an authority a learned opinion, showing the chain of reasoning by which a decision was reached, and not the raw assertion of judicial will. If we disagree with a decision, the burden falls on us to point out the missing or misinterpreted premises, or to identify some faulty step in the logic, and to do it in a form that is reasonable, argued as cogently as we can for all to consider.

The questions in a given field may be subtle and hard to answer, but so they also seemed during the early years of our schooling. When we were in the third grade, our teachers needed to make authoritative judgments about how we handled the addition of fractions and to decide which of our answers were right and which were wrong (even if the answer was counter-intuitive, as when one-third and one-sixth were said to add up to one-half and not one-ninth!). But such authoritative judgments were only possible because there exists a truth with which the authority had experience as a truth to which every judgment handed down must give witness. Where the material authority of the truth of the arguments is not produced for our inspection, we must rely on the formal authority of the teacher, and in this situation there is danger of an arbitrary decision. Yet this very possibility points to the need for genuine authority to be related to some higher truth, and in

the best of all possible worlds, to present the case for the decision made in a way that rests the burden entirely on the validity of the arguments.

Authority is something intrinsically relational. Some individuals, of course, seem to bear a kind of personal authority, such that they need only enter a room to become the center of attention and respect; their demeanor and gravity may shift the center of conversation in a particular direction; their cleverness or learning predominates. There is some quality within them that is the ground of the sociological authority they possess. But even here their authority is exhibited by the way others relate to them, and there are any number of cases where what we mean by the authority is not the individual person nor some personal quality but the office held, as when we speak of the authority of the office and mean to indicate the obligation of the governed to obey the governor, regardless of who occupies the office or whether any personal charisma is operating. A scholar with no personal magnetism by which to attract a school of disciples could thus have authority in a certain field (the sociological relation of knowledge), just as an air traffic controller whose personality would make him the kill-joy of a party deserves the complete attention of pilots approaching an airport (the sociological relation of action).

Family structure is one of the most natural cases of an authority-relation. Children need the guidance of parents, and we try to place orphans in the care of foster parents. The authority appropriate to parents comes from the special relation in which they stand to their children. The point is not that parental supervision of dependent children is the central paradigm for understanding authority, as if political authorities were simply *in loco parentis* for the general populace, but simply that the structure of authority is relational. This is true not only of natural associations like a family, but also of voluntary associations like a baseball team, where the manager has authority over who plays and what the strategy is going to be at any point in the game. Success is more likely if someone has special talent for the job, but the holder of the office is in charge regardless.

The relation involved in any sort of authority is a connection between the authority and some higher truth. This is not to say that all parents are natively gifted with knowledge of what it takes to be good parents any more than that all managers are good managers. The actual situation is sadly otherwise. But it is precisely by looking at health that we can discuss disease, and by looking at the example of successful family structure we have the grounds for diagnosing the problems of dysfunctional families where, among other problems, we find individuals unable or unwilling to exercise the authority proper to their parental roles, with unfortunate results for the

children. Serious study of the sports page over the years reveals the wisdom of sportswriters in finding fault with managerial style for at least some of the disastrous seasons experienced by teams loaded with star athletes.

This same connection to truths superior to one's own preferences can be seen in other normal experiences of authority-figures, e.g., in the case of a person deemed an expert in some area of professional competence or someone holding public office. Were some experience to disabuse us of the conviction that a given person really had the knowledge claimed, our respect for the learning that constituted his authority would diminish as quickly as the respect for a person in high office found to have abused the power placed at the disposal of the office. Should the official retain the office, fear or even terror might fill the gap, but our moral outrage would make clear that authority had passed over into authoritarianism, and the naked use of raw power, instead of its tempered use in the service of a higher truth, would simply further the confusion between power and authority that gives authority its checkered reputation today.

It is often the case that the truths which authorities must inspect and respect in the proper use of their power are hard to formulate, or too complex to be stated in short compass, but sometimes they can come to be known by experience and common sense. What does it take to be a good parent or a good manager? It is not at all clear that the advice of the "experts" is always or regularly right. Whether we praise or blame the influential brand of nurture championed by the late Dr. Benjamin Spock, the basis for our evaluation will necessarily be the truths about child-rearing, so far as we can figure them out. In fact, the entire sphere of education has seen "experts" constantly challenging traditional authorities within family tradition with their advice about breast-feeding, quality-time, interpersonal skills, the best ways of dealing with siblings and young friends, etc. "By their fruits ye shall know them" applies to authorities in regard to art as much as to any other field of life—a claim that will certainly be doubted by those who see no intrinsic connection between art and truth, but admitted by those alert to truths about beauty and about the role of art and symbol in the formation of human individuals and human community.²

² Consider the following passage from Jacques Maritain's *Art and Scholasticism*, trans. J. F. Scanlan (London: Sheed and Ward, 1930), in a section entitled "Some Reflections upon Religious Art": "Sacred art is in a state of absolute dependence upon theological wisdom. There is manifested in the figures it sets before our eyes something above all our human art, divine Truth itself, the treasure of light purchased for us by the blood of Christ. For this reason chiefly, because the sovereign interests of the Faith are at stake in the matter, the Church exercises its authority and magistracy over sacred art" (p. 144).

THE ETHICS OF AUTHORITY

By observing the intrinsic relation of any authority to some truth outside and above itself, we can lay the foundation for an ethics of authority. Authority is present in all aspects of social life, including art, and the duties of a given authority help to define its purpose. Failure to live up to those duties perverts its effectiveness, either by letting down those it ought to protect with its power from the invasive assertion of other powerful forces, or by dominating those over whom it is supposed to rule for some private interests, often for the benefit of those in authority themselves.

It is precisely to avoid these extremes in politics that we prefer the rule of law to autocratic regimes. The rule of law suggests the predominance of impersonal and reasonable decision-making, whereas an autocratic regime suggests rule by force and decisions by the arbitrary use of power. But rule by law cannot escape making a place for authority, that is, the creation of offices which persons must occupy. Even when power is divided, (for instance, according to the tripartite scheme of the American experiment in democracy), there remains the problem of the power vested in authorities charged separately with making or executing or interpreting the law. The separation of powers has proved a wise strategy for balancing competing forces but should not be mistaken to have eliminated the need for an ethics of authority, for authority is an essential concomitant of liberty, an indispensable principle for holding liberty and order in balance.

The relationships involved in authority regularly involve the communication of something from the bearer of the authority to those subject to the authority. Systems of social life that operate by extensive dependence on persuasion and consent, good will, mutual understanding, or tolerance might seem to be able to do without authority, but deeper observation regularly reveals that it is only their smooth operation which conceals the presence of this other indispensable factor. It is only our distrust of abusive authorities, nurtured by the optimistic experience of living in the peace of a free society, that makes us blind to the vital role of authority. Even in societies blessed with a spirit of generous cooperation and goodwill that try to proceed by consensus whenever possible there is still a need for authority, and not just in societies whose members for one reason or another cannot be trusted to decide for themselves on what the best course of action is.

What is it that authority communicates? Ultimately, what it imparts is decision about how to proceed—a point that needs careful consideration, for it is precisely this prerogative of decision that makes authority suspect. To some extent it is a question of style: will the conduct of authority be au-

thoritative or authoritarian? But to say that it is a difference in style is not enough. Even a gruff administrator can be fair and prudent in decision-making, and pleasant manners are no guarantee of a backbone firm enough to make the tough and even unpopular choices without which a society will flounder. The difference between authoritative and authoritarian conduct is founded, rather, on whether the authority makes decisions in justice and fairness and on the basis of the truths small and large that pertain to the area in question. Paradoxically, it is the intrinsic subordination of any human authority to a standard higher than himself that renders the bearer genuinely authoritative.

The relation between those who bear authority and those subject to it can be disrupted by various imbalances. Yves R. Simon lists possible conflicts in regard to justice, life, truth, and order as likely to give authority the bad name it often has today.³ If, for instance, the relationship becomes primarily one of privilege and one's position bestows some right to goods and services or to lower prices—resentment will easily spring up, whether toward congressional junkets or *Politburo dachas*, for the fairness of exchange that generally characterizes justice seems to have been violated.

If authorities emit propaganda and expect quiet submission, our sense of truth is offended. The world of art and architecture provides some striking cases—the colossal statues of Mao, Lenin, and the ideal Socialist Worker, for example, or the Fascist buildings of Mussolini's Rome. There is often the temptation simply to believe our own government's version of a conflict, when we feel some need to express an opinion and find that the objective truth about the situation is hard to determine—patriotic songs have been known to abet this goal. On the other hand, cynicism can set in and make us suspect that "authority" is merely a pragmatic tool for pacifying or arousing the masses. If the mere decisiveness of authority becomes an attractively easy solution to the distressing inactivity of prolonged deliberation, the process of social decision may be short-circuited. We expect better of authority.

Likewise, authority can easily seem an obstacle to the exercise of freedom and the achievement of truth vital to the spiritual nature of the human person.⁴ Inevitably the decisions of authority come from a source outside

³ Yves R. Simon, *A General Theory of Authority* (Notre Dame, Indiana: University of Notre Dame Press, 1962), pp. 13–22.

⁴ Maritain's *Art and Scholasticism* emphasizes the genuine needs of freedom for artistic creativity.

the person, and even if the actions commanded are objectively for the good, the mere fact of being commanded can appear to detract from the spontaneity and voluntariness we cherish as marks of our freedom. The case of teenagers may prove useful here, for with their increasing bodily strength, size, and energy come strong and healthy desires to make their own decisions. Their parents must walk a delicate line of guiding them decisively and leaving them room to act independently, even if they make some painful mistakes. It is not that authority will always look like the care of good parents, subtle but solicitous, but that any authority has to size up what the capacities and maturity-level of those subject to authority are in order to determine the proper mode of its exercise. For if an error in one direction leaves those who ought to be subject to authority untrained in self-control and eventually bored and restless with their energies unharnessed and uncultivated, an error in the opposite direction will keep those no longer children perpetual adolescents, unable to deal maturely with the legitimate decisions of authority and continually alienated by any demand for obedience.

By the vagaries of political history the change undergone by the term "liberalism" reflects this same ambivalence at the level of political life. Classical liberalism emphasized freedom and personal autonomy, and to this end developed a sophisticated theory of private property, a politics focused on personal autonomy and on popular self-determination, and the rhetoric of rights predominant in our political discourse; the claims of artistic license followed suit. But modern liberalism has swung from emphasis upon self-determination to enforced re-distribution and empowerment, highlighting *égalité* instead of *liberté*. The clash of desires here is evident even in the constraints liberals are willing to place upon one's disposable income by high tax rates to pay for social programs. Further, there is the problem with arbitrariness in governmental policies about which choices are to be given legal protection and preference, as evident in the tangled debates over the integration of schools and neighborhoods. Liberalism's attempt to "empower" some will mean for others a change in the type of education available, common living patterns, and the free use of goods and property.

At the root of the confusion about the idea of authority is the view that power alone guarantees the liberty that comes from equality of opportunity. There is considerable truth in the observation that freedom to act presupposes the power to act, but to judge the matter aright requires a profound sense of what freedom is and what it is for. In the mood-cycle of a given culture, there often comes a period of romanticism and the conviction that

only activity that flows spontaneously from passion is worthwhile, but this is as debilitating to the spiritual nature of persons as the Stoic distrust of all passion.

THE DIFFERENCE BETWEEN POWER AND AUTHORITY

It may require the threat of a nightstick or even the use of physical force to cow a hardened criminal, and it may simply be fear of apprehension and punishment that keeps some people from breaking the law, but in people of even ordinary virtue respect for the value of social order and the common good testifies to the reality of moral authority distinct from the power of enforcement. The directives of a person whom we credit with moral authority, e.g., a teacher who has won the trust of his students, or an elder whom we consult for advice, have forcefulness not because of physical strength, but because of knowledge or character or proven ability. Where power implies some attempt to master the given, to have control over reality,⁵ true authority suggests respect for the truth about things as they are given and the direction of activity in accord with that truth. If we attempt to make any application to art, it will be important to remember that it is not slavish imitation of nature that is crucial, or even right, but respect for the truths about nature, and especially the proper formation of human persons.

When operating according to the ethic here proposed, authority is rooted in discovering the truth about reality. It works by a kind of reverence for the truth about things. To some this will immediately suggest passive submissiveness to the *status quo*, but trying to be respectful of the fact that things have natures no more implies a stodgy reluctance to change than a meddling eagerness to tamper and adjust. What is required is the prudence to determine how closely the *status quo* is attending to the nature of things and how much pressure and disruption of the existing order would be required to bring about needed change. In any given sphere there is need for more specific rules on making prudential decisions, but here we need to make the general point that authority has a legitimate but restricted right—and sometimes the duty—to use the power at its disposal, but except for policing the incorrigible, it works best by issuing a call for moral respect, and this will be especially true in the realm of art. All power rests on the ability to bring control into effect, but genuine authority ought to evoke ready obedience, whether those subject to it fully understand or not.

The stress on the freedom vital to artistic creativity makes it important to

⁵ Romano Guardini, *Power and Responsibility: A Course of Action for the New Age*, trans. Elinor C. Briefs (Chicago: Henry Regnery, 1961).

treat, if briefly, the relation of authority to liberty. Now, admittedly, etymological explanations go only so far, but here the roots of the word "authority" in *auctor*, author, suggest the need of present authority to look to a past founding event, whether it be jurists returning to the authors of our Constitution or moralists pondering the plans of the author of human nature and of creation as a whole. The root verb *augere* means "to grow, to increase," and what the *auctor* is supposed to do is to make what has been founded grow and increase. In our politics, for instance, it names those responsible for a free people, but this implies a careful cultivation of balance by preserving a genuine but restricted set of liberties, with neither anarchy and license nor the abolition of freedom and total conditioning. Political authority achieves this goal by the legitimate use of certain powers, not by the arbitrary use of the force at its disposal, which is a type of violence. The juridical power vested in a head of state, an individual, or corporate person, exemplifies this distinction, for the formal origin of the power is the legal constitution of the society. But history has shown the persistent need for checks and balances to be written into this constitution to help restrain accumulations of power in actual practice from becoming arbitrary and forgetful of the purpose to which they are ordered.

In contrast to the rule of law, rule by power is limited only by something outside the possessor of the power: another power which it fears. Instead of taking the measure of things, including the nature of human beings and of well-balanced social institutions, power-driven forms of government prefer to fashion things to the measure of their own liking,⁶ whether for ideological reasons, say, the Marxist vision of man championed by twentieth-century totalitarianism, or for private aggrandisement, as has been the custom of tyrannies down the ages. Hannah Arendt correlates the difference between desiring to respect and to dominate reality with a difference in temporal focus.⁷ Rule by power sees the past as a source of reality it wants to

⁶ All too often taste in matters of art is reduced to *de gustibus non disputandum est*: while there certainly are legitimate differences in taste, the reduction of the entire question to arbitrary preference is forgetful of the equally important question of good and bad taste. Again, consider the general point about art in this quotation from Maritain's *Art and Scholasticism*: "Religious art is not a thing which can be isolated from art simply, from the general artistic movement of an age: confine it and it becomes corrupted, its expression a dead letter. On the other hand, the art of a period carries with it all the intellectual and spiritual stuff which constitutes the life of a period; and in spite of whatever rare and superior qualities contemporary art may possess in the order of sensibility, virtue, and innovation, the spirituality it conveys is not infrequently poor indeed and sometimes very corrupt" (p. 142).

⁷ Hannah Arendt, *Eight Exercises in Political Thought* (New York: Penguin Books, 1977); see especially chapter 3: "What is Authority?"

control, and so looks to the present and future as opportunities where it can exercise domination. By contrast, authority governs present and future by fidelity to the origin, allowing the foundations to set limits to political power. To refuse to give assent to legitimate authority is ultimately to align ourselves with power, and the most radical existentialists end up in the same place as the totalitarian regimes they deplore, since both resort to a philosophy of will in denying the existence of natures and essences, higher truths to which present authority must be subordinate in order to preserve human freedom.

The recognition that there are higher truths which genuine authority must recognize allows us to make a useful distinction between an authority's "decisions" and its "determinations." I take "decisions" to refer to the choices, good or bad, an authority makes by its own power; I use "determinations" to refer to statements an authority makes not by its own choice but in recognition of the way things are. However easy it would be to lump together all the activities of authority under the same heading, it is better to recognize that there is a legitimate sphere of decisions, whose binding force comes precisely from the power at the disposal of authority to choose some course of action for the common good; they are binding wholly and entirely because so decided. On the other hand, there is also a sphere of determinations, whose binding force arises from a source higher than the authority, but which an authority may have to recognize, respect, or make known to those it governs.

DEMOCRATIC AUTHORITY AND THE ARTS

Let us turn finally to some of Maritain's comments on the relation of authority and democracy in *Scholasticism and Politics*.⁸ Although he has few direct comments on the specific problem of art and authority, some applications may be attempted. Many of Maritain's views receive additional elucidation in *Man and the State*⁹ and in *Integral Humanism*.¹⁰

In *Scholasticism and Politics*, after contrasting various forms of European democracy with the American version, Maritain turns to a discussion of

⁸ Jacques Maritain, *Scholasticism and Politics*, trans. edited by Mortimer J. Adler (New York: Macmillan, 1940; rpt. Garden City, New York: Doubleday Image, 1960), esp. pp. 91–115.

⁹ Jacques Maritain, *Man and the State* (Chicago: The University of Chicago Press, 1951), esp. pp. 126–39.

¹⁰ Jacques Maritain, *Integral Humanism: Temporal and Spiritual Problems of a New Christendom*, trans. Joseph W. Evans (Notre Dame, Indiana: University of Notre Dame Press, 1973).

the relation between authority and democracy in terms of political function (that is, how to govern individuals and groups) and passes quickly over other aspects, such as the economic functions of government (the administration of things such as industry and commerce, considered in abstraction from concern with human beings as such). He offers a distinction between authority and power that is relatively standard within the natural law tradition. Authority is "the right to direct and to command, to be listened to or obeyed by others," whereas power is "the force which one can use and with the aid of which one can oblige others to listen or to obey."¹¹ Such a distinction will seem suspect to post-modern thinkers (especially those who have been made cynical by the corruptions of authority into authoritarianism) and to their Machiavellian forebears, yet it allows Maritain to distinguish the moral authority of a Socrates from the power of a gangster or tyrant. Further, it allows a role for a sound moral authority in the realm of art and what is morally good for culture, over and above (and perhaps also embodied in) the person who bears civil authority and who has the power of the law.

But Maritain's case for the legitimacy of distinguishing between power and authority in no way de-emphasizes the need for concrete connections between power and authority. All authority, insofar as it concerns actual social life, needs to be completed by power; without power an authority risks becoming useless and inefficacious. The proper limit to power comes from the ethics that governs genuine authority.

The general guidance Maritain offers here is that the amount of power legitimately at the discretion of authority should be measured by the duties of the office. As a way to assess what powers an authority has a right to employ, we need to consider what the truth is to which a given level of authority has the duty of being a witness and then to determine what sorts of decisions need to be made by that level of authority. For Maritain in *Scholasticism and Politics*, the dialectical relation between the concepts of power and authority is this: the degree to which authority has power is the extent to which authority has entered the physical order, while the degree to which power gains authority, it has risen into the moral and legal order. To separate them would be to divide force and justice. But authority always remains of superior importance. Gaining power will be important to anyone who wants to act upon the community, but to acquire authority is to gain the right to be followed by the minds and wills of others and the right to exercise power.¹² Granting that there are many matters of taste once we enter

¹¹ Maritain, *Scholasticism and Politics*, p. 93.

¹² *Ibid.*, p. 94.

the realm of art, and thus considerable liberty, it would be merely anarchical and not truly democratic to deny a place for moral authority here, even if the burden of proof that authority should use its legitimate power in any given case remains on the affirmative. Even in democracies, authority has a role it may not ignore in the formation of the human person, and the cultivation of art and artists will play a role here. For an authority to renege entirely on the question of art would be to abandon its responsibility for this aspect of the formation of the human person.

Using the same distinction between *person* and *individual* which he articulated at great length in *The Person and the Common Good*¹³ to resolve some of the problems about the duties and rights of human beings *vis-à-vis* the state, Maritain proposes a comparable distinction between a *democracy of the person* and a *democracy of the individual*. The prevailing ideology in the West has been the ideal of liberal democracy, which Maritain rightly traces back to Rousseau's model for preserving power even while suppressing authority. In Maritain's judgment liberal democracy is really a "masked anarchic democracy."¹⁴ From the principle that each individual is born free, Rousseau deduced that an individual's dignity demands that he should only obey himself. Maritain observes in passing that Rousseau is being equivocal in his use of the word "free," for he uses it to designate both the free will with which each individual is born and a certain condition of existence, a freedom of independence. This equivocation, Maritain feels, is latent in the prevalent theories of liberal democracy, not to mention in the freedom claimed for artistic creativity. In such a social arrangement there would be no fixed principle of order, and even ordinary decision-making will become excessively complex. The expectations of a stable social order needed to live one's daily life, not to mention the need for order which the mercantile class has in order to prosper in business, will lead to a social contract, that is, the devising of some form of association through which everyone, though united with all others in specified respects, will only need to obey himself and remain virtually as free as before.

Whether any particular historical instantiation of liberal democracy explicitly appeals to Rousseau's mystical "General Will," Maritain argues that invariably there will be some comparable device to make it rhetorically clear that for a given liberal democracy, authority properly resides in the whole multitude. Such a device will reinforce the idea that authority not

¹³ Jacques Maritain, *The Person and the Common Good*, trans. John J. FitzGerald (Notre Dame, Indiana: University of Notre Dame Press, 1966).

¹⁴ Maritain, *Scholasticism and Politics*, p. 93.

only comes from the multitude but that authority is the "proper and inalienable attribute of the multitude."¹⁵ For Maritain this is "a trick" to avoid granting that genuine authority needs to reside in certain responsible individuals; in fact, he finds it to be a formula that is likely to lead eventually toward totalitarian dictatorship, if only the tyranny of the majority which de Tocqueville feared. He regards it as a "trick" because it permits irresponsible mechanisms to exercise power over men without there being a responsible authority over them. The power of the state becomes, to one degree or another, a mask for anarchy. Such an arrangement, in Maritain's view, is actually a violation of nature, and there is an historical tendency for such accumulations of power to grow ever larger.¹⁶ Despite the constant reassurances given in liberal democratic regimes that the power of the state emanates from the people, the actual arrangements favor the usurpation of power by allegedly neutral states in the vacuum of authority created by irresolvable conflict between comprehensive truth-claims.

The theory of authority which is presupposed by the natural law tradition locates authority in a person or an office defined precisely in terms of giving witness to a truth earlier, higher, or logically prior to the authority itself. Now this is the very feature missing in the ideology of liberal democracies and their attempts at working out a truth-neutral, purely formalistic basis for the regime (for example, in theories of equality that insist on identity blind to all sorts of significant differences as the principle of equality—in art, this means the claimed equality of taste).

In Maritain's analysis of the theoretical basis of liberal democracies, the mass that constitutes the populace is, by the social contract hypothesis, the proper subject of sovereignty, and yet it lacks political discernment in all areas except, perhaps, an instinctual drive to self-preservation, and even here it may well misjudge the proper means to the end. The result, he argues, is that those delegated by the multitude will actually direct the available power, but always under some myth about the sovereign multitude directing itself. In fact, the very category of "sovereignty" (he thinks) is presumably a myth,¹⁷ and yet it may require that we have sufficiently strong theological lenses to see that all sovereignty is divine, and that human authority is only a borrowed commodity. Absent that foundation, liberal democracy can only work if it articulates a suitable myth about the law as the expression of number (majority vote). Gradually, the "mask" of

¹⁵ *Ibid.*, p. 94.

¹⁶ *Ibid.*

¹⁷ *Ibid.*, p. 95.

power will become the only reality, for it will grow to fill the vacuum. Maritain dryly notes that in societies where the sense of authority has waned, there will be no surprise to find that the circles of opinion and of the press often tend to be in sympathy with certain totalitarian ideologies and aspire to a dictatorship of violence. A study of the history of the half century since Maritain's remarks would readily produce much support for his claim about the curious sympathy of the media and the arts-establishment for the totalitarian regimes of eastern Europe and for violent solutions to situations that are perceived as social problems, despite the evidence of raw manipulation of art and the press by those precise regimes.

Besides the cases of masked anarchy, Maritain also notes various forms of open anarchy that would suppress authority while at the same time suppressing organized power. The purely libertarian programs for the complete defunding of art risk falling into this camp. Maritain traces this vision of utopian democracy back to Proudhon, and one can see it relatively easily in those libertarians today who consider all power and all authority exercised by one individual over another or by the community over its parts as contrary to justice. In this schema there is a tendency to substitute an administration of things for the government of men, so as to put all "producers" on equal footing and to relegate governmental machinery, so far as possible, to a museum. In his more philosophically precise language, Maritain considers this the temptation to seek "a totality without hierarchy," a whole without subordination of any of the parts to the whole.¹⁸ This form misses seeing the necessity of authority in the political community as something inscribed in the very nature of things, for it misses seeing that the political community, insofar as it is a whole, has its own unity, its own life, and its own existence. In some respects at least, it is superior to its parts, but therefore there is need of a hierarchical arrangement of those parts, in which some of the parts take on as their proper work the direction of common work and common life—in short, to take on authority over other parts in those things which concern the unity of the whole. Much like Yves R. Simon,¹⁹ Maritain's argument here is the familiar one that the need for authority is not just negative (banding together to punish criminals and stop crime) but positive. In a world full of contingencies and historical singularities, a world where common goods cannot be achieved except by common effort, and yet where the identification of the exact means and proper inter-

¹⁸ *Ibid.*, p. 97.

¹⁹ Yves R. Simon, *A General Theory of Authority* (Notre Dame, Indiana: University of Notre Dame Press, 1980).

mediate goals requires prudential decision and not just abstract impersonal calculation, there is need for authority even in the most well-disposed and well-prepared social groups. In art there is not only the work of individual arts, but the patronage of art that lets schools of great art flourish and that commissions the great works of art that are only possible by huge common efforts—the great Cathedrals, for instance. There has to be a place for authority to direct artistic energy and to supply artists who have the necessary vision with the resources of the community.

Let me summarize Maritain's point thus: democracies of the anarchic type, whether masked or openly anarchic, always seek a genuine good (whether they know it or not), namely, the increase of human freedom, and yet they tend to do so in an erroneous manner, that is, by "the deification of a fictional individual, shut up in himself"²⁰ and they refuse in principle the right of some men to be obeyed by others. And yet at the same time they seek political regulation of a community's affairs, something which can only occur with suitable organization, including a hierarchy of duties and freedoms. Rather, for mature persons to accept such regulation requires that the commands be of the sort suitable to free people and be of the sort that makes people more genuinely free.

What is the proper recourse for "a democracy of persons"? Presumably it will involve, among many other factors to be spelled out in a more elaborate theory, the judicious use of moral authority, backed up by the sparing but efficacious use of legitimate powers, especially in ways that are appropriately symbolic. It is a matter of letting the law serve its pedagogic function under the careful use of authorities who know how to use their moral authority for persuasion, as well as how to employ the powers of constraint at their disposal judiciously. Maritain calls this notion "the organic democracy of the person."²¹

Such a democracy will not simply efface the notion of authority from its self-understanding but will produce an appropriate structure of authority on the basis of its respect for the following pair of truths: (1) to obey a person who really has the right to direct action is in itself an act of reason and of freedom, and (2) to obey the person who genuinely fulfills the duty of directing the common work to the common good is to play the role of a free citizen.²² This pair of truths allows one to make progress in understanding that the power of constraint is not the substance of authority, but merely

²⁰ Maritain, *Scholasticism and Politics*, p. 99.

²¹ *Ibid.*, pp. 98–99.

²² *Ibid.*, p. 101.

one attribute which authority needs in order to complete itself for the purpose of being efficacious within a human community, especially given that this community will invariably include children and those incapable of self-control as well as the criminal, the vicious, and the obstinate. The sanctions which an authority will decide to impose will only be good if they are sufficiently vigorous as to be efficacious, but the preliminary condition of their goodness will be the way in which these sanctions are part of the authority's witness to a truth higher than itself and thus intrinsically conformed to justice, and are not simply binding as the decisions of personal will or Rousseau's majority-will. In short, even sanctions can be a part of the pedagogy of freedom, if designed more and more to make constraint superfluous as a population is brought to maturity.

The whole issue, it seems to me, turns on the justice and prudence expected of true authority. An organic democracy will not involve the suppression of authority but an insistence that authority be just, that is, that it be an authoritative rather than authoritarian form of authority. From the point of view of a populace, the relevant point is that human nature can only be protected and preserved, let alone developed, within a well-ordered culture. While it is beyond the scope of this essay to offer specific proposals about the form that such an authority should take in matters of art, it does hope to have provided an account of some relevant principles. It allows us to conclude that knee-jerk rejections of any censorship²³ at all fundamentally misconceive the problem by forgetting the cultural matrix by which human maturation takes place, a process that is needed for large groups of people as well as for individuals. Mindful that the maturation of responsible freedom necessarily includes the development of a mature relation to authorities, Maritain's organic democracy still excludes paternalistic domination by any social class (e.g., by some elite who just "knows better"). What law and authority need to keep prominently placed before their minds is the freedom of mastery that can be achieved by maturing human beings and which makes individuals truly free as it is achieved. We do well, with Maritain, to describe the cultural version of this as the cultivation of civic friendship—civic friendship is not something ready-made any more than individual freedom is, but something that comes about by vigorous ef-

²³ The difficulties in practice for establishing a recognizable moral authority to give guidance in matters of art are enormous. For an interesting history of the Catholic Church's "Legion of Decency" as an attempt to give moral guidance in the sphere of motion pictures, see Frank Walsh, *The Catholic Church and the Motion Picture Industry* (New Haven, Connecticut: Yale University Press, 1998).

fort and at the price of considerable sacrifice and discipline. Artists need to be mindful of this, that their art, precisely by its visual, tactile, and auditory stimulation, has tremendous effect on individual and collective processes of maturation.

Naturally, Maritain also likes to remind us of the principle of subsidiarity, that authority needs to be distributed according to the ascending degrees of intermediate bodies that exist below the political community, starting from the naturally basic community of the family. Invariably, allowing so much place for varied levels of authority means some room for error in judgment. He also reminds us that the pluralism to be cultivated in democratic forms of government means that there will invariably be much foolishness and some evil. Nonetheless, this principle of subsidiarity is crucial to the workings of moral authority, for the authentic exercise of moral authority presumes realistic acquaintance with the actual state of development of persons and groups, and the closest level of the hierarchy of authority will be in the best position to judge the status of that development and to assess likely strategies for continuing individual and moral development. But most of all what is required is that these authorities, moral and civil, be mindful of what makes them authorities and not just powers and then be willing to exercise their authority in the diverse ways that are appropriate.