

## THE BASIS OF POLITICAL OBLIGATION<sup>1</sup>

ONE arrives best, perhaps, at the concept of political obligation by considering what is society and what is that particular form of society which is the political society. All men belong to societies, have some community with others—*i.e.* are compacted with them into a solidarity of one kind or another. Though this may arise in various ways, two main divisions are distinguishable, namely that coming from the division of labour and that coming from similitude. The former expresses our dependence on the planter of Brazil, the rancher of the Argentine, the fellah of Egypt. We all acknowledge our dependence on them, but would scarcely say that we formed a society with them. To admit this would be a manifest absurdity, but to deny it would be to deny the existence, or the possibility of the existence, of an international society of men. All that can be allowed is that there exists a certain inter-dependence which yet does not constitute a society.

But men are linked together by resemblances of which they may be ignorant, which are innate and which affect them physically and morally; resemblances coming from race, culture, language, customs, or an historical accident. The formation of ethnical and national groups provides a good example of this solidarity by similitude. Because these people are united by blood, because they are begotten by the same cultural and historical milieu, they are in harmony and have a common patriotic feeling. Yet even here it must be conceded that neither the ethnical group nor the nation is a society. The only way in which they can become this is by taking on themselves the political form of a State, a man-made construction.

In 1914 there was a German Empire which had been constructed to last for centuries; in 1919 its place was taken by a democratic and parliamentary republic which had a great future before it; in 1933 this was succeeded by a Third Reich, whose founders tell us that it will last for a thousand years. A State, even though it wishes to remain in the same condition for ever, only lasts as long as those wills which have built it up. And those who build are the least free of all men, for they are constrained by forces which are beyond them, they are determined by the very social and historical matter

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<sup>1</sup> Most of the ideas here expounded I owe to my studies under Père Dèlos, O.P.; his the masterly inspiration, mine the inadequate explication. To him I dedicate this essay.—J.F.

on which they are at work. This perhaps is why society encloses and symbolises all the altruistic aspirations of humanity. Society is an ideal, a Sorelian myth, which fulfils a necessary function in the forward march of mankind. There seems to be nothing common to the divine Rome as seen by a 'civis Romanus,' to the Holy Roman Empire as seen by a feudalist, to the divine right of kings as expounded by James of England, or in Nation, Race and State as understood to-day. Yet these symbols, each in their time, probably represented the same ideal function. Society is the good seen in its altruistic form, easy to divinise and idealise; it is the good which is above and beyond us, to which we devote ourselves at the cost of such sacrifice as will lead us to immortality.

But what distinguishes societies properly so called from the communities or social interdependencies of which we have spoken above? At first sight, one would be inclined to say that it is organisation, the presence of a constituted authority, a personality. But none of these is adequate, for the notions of organs, authority and personality themselves demand a further explanation and justification. These are all, more or less, external, and we must seek for the first distinctive element of a society in internals. *It is the existence of a collective consciousness and the agreement of wills in a common will.* Without a common consciousness, without a common will-to-live which is efficacious and lasting, there can be no society. A nation remains a *de facto* community until such time as its members experience an awakening of consciousness, and assert by their acts their will to a common life.

Undoubtedly the fundamental role played by consciousness and willing has attracted many to the Social Contract theory. The agreement of individual wills seems to give birth to the society, and this agreement is a contract. The irrevocable assent given by the citizen to his fellow-citizens creates the State, they say, because a common will is realised through the contractual exchange of particular wills. But this is scarcely true because the will is necessarily an individual property and possession; and the agreement of each with all of the others creates no more than inter-individual agreements which will bind each one with each of the others. The only result of this is a series of bilateral agreements, not a society. Suppose there are 700 people who do this, each one making a contract with the 699 others: there will be 489,300 bilateral contracts binding them two by two, but there is no society. There are 489,300 obligations whose execution could be urged by individual action, but never by social action, for there is no *social* obligation. The addition of inter-individual to inter-individual will never give social as the answer.

It may be objected to this that in all these contracts the contracting parties insert the same clauses, so are all bound by one and the same obligation which is unique. But this objection takes the whole force away from the Social Contract theory.

Once the content of the contract is considered, the whole complexion of the question changes. This object is common and is unique and all agree contractually to it. The new element here introduced immediately changes the individual contracts, the series of them, into the agreement of particular wills with a common object, an object which is unique, exterior and objective for each of the individuals. They agree to this object which itself is the link between them and makes their unity—a common consciousness has been born, which is the *ensemble* of individual consciences turned towards the same objective and fulfilled by it. The general or common will is made in the same way, not from a multitude of individual wills turned one towards the other and forming an equilibrium, but all turned to the common object, united and bound together in virtue of it. Neither the common consciousness nor the common will are other substantially than all the consciences and wills joined with this. This differs radically from Rousseau's interpretation of what takes place in the Social Contract: 'at once, in place of the individual personality of each contracting party, the act of association creates a moral and collective body, composed of as many members as the assembly contains voters, and receiving from the act its unity, its common identity (*moi commun*), its life and its will.'

That the theory suggested conforms to the facts has been shown by the more recent political and sociological theories. A Hitler or a Mussolini has united his people into a coherent whole by awaking in them their national or ethnical consciousness; in fact, one of the most striking things about theories of the State as they become totalitarian is the manner in which they tend to accentuate their ethnical and national character. Thus, to take one example, we find Gentile in a burst of pseudo-mystical fervour, writing: 'The State is within ourselves, it lives and should live in our wills, in our intelligences, in our hearts; it is there that it must grow, rise up and become more and more conscious of its duties and its ends.' And to facilitate our passage from the totalitarians to the sociologists, here is a quotation from the Fascist Charter of Labour, in which Alfredo Rocco, another spiritual grandson of Hegel, had a hand: 'The nation is an organism endowed with existence, ends and means of acting superior in strength and duration to those individuals, whether isolated or in groups, which compose it. It is a unity, morally, politically and economically, which realises itself integrally in

the fascist state.' Could there be a better or more faithful interpretation of the teaching of Durkheim? It is not astonishing that Durkheim and many others have tried to found a morality based on sociology.

Both of them, sociologists and totalitarians, exploit a basic truth—viz., where there is a society there is adhesion to an end which affects our moral consciousness. The end appears necessarily as a good which is transcendent and superior to individuals, since it groups them together and commands them. In the hierarchy of absolute values the end of the society has an objective morality which comes to it from its connection, more or less direct and necessary, with the last end of man.

But one cannot stop here, at this common consciousness, for it is only a state of mind, a purely psychological reality, which could never take to itself a body and become a person in the world of juridical and moral bodies. For this two other elements are required: authority and organisation, and here we propose to speak of the former as being more closely concerned with political obligation.

First of all, there is required obedience to a common good, as being the end for which the group has come together; they may choose as leader him who interprets it best. Authority is an action, an influence, which has its source and its foundation in the mother-idea of the society. Therefore, the sphere of its application is not without limits, it is determined; it is limited by the social end, its competence is measured by the needs of the common good.

The result of this is that man is not subjected to man; individuals do not obey an individual, but only the mother-idea which marks the end and presents the good. There is no subjection of man to man, but a co-ordination of acts and differentiation of function in view of the common good. From this there emerges the twofold character of society, of immanence and transcendence. Authority, since it is founded on the mother-idea of the society and since in a certain way it exercises the active function which belongs to the common good, emanates from a principle which is inexhaustible, which cannot be exhausted by any single order or decision. For the head of the society has a power of action which, within the limits of his competence, is as inexhaustible as the potentialities of the idea which is the principle of life and transformation in the society. So authority remains transcendent no matter what form it takes, transcendent to all the actions which it may command, to all the moments of its existence; in a word, transcendent to the society as realised in the concrete. And yet authority remains part and parcel of the society, it does not act outside of it, but is an intimate part of it, it is im-

manent. It is the active principle which, from the interior, maintains the cohesion of the parts by subordinating them to the common end.

There is then a certain institutional nature about some societies; an institution pre-exists at least potentially even before any contract is made. And one finds that the institutional element is more and more stressed the nearer one approaches to the nature of things and the further one moves from those societies whose form depends on the arbitrary will of man. Marriage, for example, is a contract, but the 'family statute' is already fixed in advance by the law of nature which is the divine law of life, and the terms of the contract cannot be changed, *e.g.* be made terminable at will. Any attempt to do this nullifies the contract. The contract is at the service of the institution which dominates it. From time to time the contract has played its part in history in the choice of a constitution, but our belonging or not belonging to a political society does not depend (as Burke proved) on our contractual liberty. Political society under its different forms is an institution which imposes itself on individuals as a necessity of their nature. This is an experimental intuition which Sully Prudhomme summed up in the couplet

*Je connus mon bonheur, et qu'au monde où nous sommes  
Nul ne peut se vanter de se passer des hommes.*

The nature of society with its mother-idea of the common good, with the necessity of order to produce justice, with the authority which that order implies, with the obligation to obey on the part of the members of the society, flows from the sociable nature of man which is manifested by the need for a common good as the end of society. It is the natural law, and as such it is willed by God. In this sense all power is from God; in fact all power must be from him. Yet it must never be used by the ruler to destroy the liberty of the individual despite the pleading of the fascist philosopher that 'always the maximum of liberty coincides with the maximum of force of the state . . .'. Every force is a moral force, for it is always an expression of will; and whatever be the argument used—preaching or the life-preserver—its efficacy can be none other than its ability finally to receive the inner support of a man and persuade him to agree to it.' Here, as a recent writer has observed, the line between cynicism and idealism wears very thin.

Not all of man is included in the embrace of the political society. It must be granted that as an individual he is a product of his milieu, and is subject to the determinism of the time in which he lives, of his race and of his social heredity. But at the same time he is a per-

son, a spiritual being endowed with an intelligence to pierce the mystery of things, with a faith to carry him above and beyond them, with a reason to direct him in the domain of social and moral activity, with a will which enables him to command himself. The individual is ephemeral in the race; the race lasts for a period of time; but the human person lasts for time and for eternity. It will live on when the race is extinct and when the species has disappeared from the face of the earth.

Nor is man person, individual and person successively, but simultaneously, in his one being. As individual he is chained to the collectivity, but as a free and spiritual person he has the right to demand that this social complex should serve him. The common good is the good of the collectivity, but by the end which it serves it becomes the good of the human person. For this reason, and for no other, human liberty is the basis of political life. The common good would cease to be the common good if it was not a good that man could acquire by the exercise of his liberty. He is not determined by any ethnical instinct nor by any national dynamism, he must work with his reason. It is his duty, but it is also his right, for it is a direct consequence of his nature. The rights and duties of citizens are the rights and duties of man in his social life. *Sciendum est quod civitas sit aliquo modo quid naturale, eo quod naturalem habemus impetum ad civitatem constituendam; non tamen efficitur nec perficitur civitas nisi ex opere et industria hominum* (Aegidius Romanus).

Above and beyond the works and the industry of man is the will of the Author of nature and of order, and from him derives the power to command and the necessity to obey, both in those things which concern the ultimate destiny of the human person, union with him as the possession of the All Good, and in those things which concern man as a social being, the tranquillity of order which is peace and in which he is to work out his ultimate destiny.

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