

# interpretation

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# interpretation

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AUTHORITY AND FREEDOM:  
THE DEMOCRATIC PHILOSOPHY OF YVES R. SIMON

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In his survey of contemporary theories of democracy M. Rejai observes that "the nexus between the classical and contemporary theories of democracy is a tenuous one."<sup>1</sup> The basic assumptions and premises of the classical theories, which "rest upon a series of norms and ideals lacking systematic reference to political reality," have been abandoned by recent democratic theorists in favor of the "identification and isolation of observable variables in political life. The attempt is to describe and explain rather than idealize."<sup>2</sup> Though itself cast in the empirical-behavioral mold, this summary of the situation is accurate. Contemporary theory seeks to define democracy not in terms of what it ought to be but in terms of the features democratic states exhibit in the real world. Such a definition, however, is possible only by suppressing normative judgments or, conversely, by assuming them without attempting to justify them.

One of the more popular descriptive definitions of democracy identifies it with the control of decisionmakers by the people through elections. According to H. B. Mayo, for example, "A political system is democratic to the extent that the decisionmakers are under effective popular control." Robert A. Dahl declares that "democratic theory is concerned with processes by which ordinary citizens exert a relatively high degree of control over leaders," and his conditions for "polyarchy" are defined largely in electoral terms. C. W. Cassinelli considers "representative government," which depends on uncoerced, periodic elections, to be the central feature of democracy. And Joseph A. Schumpeter defines the democratic method as "that institutional arrangement for arriving at political decisions in which individuals acquire the power to decide by means of a competitive struggle for the people's vote."<sup>3</sup> This first postulate is then usually expanded and developed by deduction and empirical evidence from the operation of contemporary democratic governments. Mayo, for example, derives the principles of equality, freedom, and majority rule from the thesis

<sup>1</sup> M. Rejai, ed., *Democracy: The Contemporary Theories* (New York: Atherton Press, 1967), p. 47.

<sup>2</sup> *Ibid.*, p. 31; see also pp. 307-11.

<sup>3</sup> Mayo, *An Introduction to Democratic Theory* (New York: Oxford University Press, 1960), p. 60; Dahl, *A Preface to Democratic Theory* (Chicago: University of Chicago Press, 1956), pp. 3, 84; Cassinelli, *The Politics of Freedom: An Analysis of the Modern Democratic State* (Seattle: University of Washington Press, 1961), passim, esp. ch. 1; Schumpeter, in Rejai, *Democracy*, p. 103.

of popular control.<sup>4</sup> And Cassinelli argues that "like the 'positive' part of democratic policy, the guaranteeing of welfare, . . . tolerance of civil liberties is a direct result of the periodic uncoerced elections used to select the officials ultimately in charge of all public policy." He even goes so far as to assert that "in brief, the dynamics of the democratic electoral system make it impossible for civil liberties to be denied to any group within the democratic system."<sup>5</sup>

This type of Schumpeterian definition of democracy has been highly influential in American political science, but its difficulties are numerous.<sup>6</sup> First, periodic elections may be an outgrowth of the value placed upon freedom, equality, and majority rule, rather than the converse. Second, without an examination of the nature of government itself and a definition in normative as well as descriptive terms, such a definition of democracy is arbitrary. It may be true, as Mayo argues, that only those who believe in democracy's values will find in them a cogent argument for democracy; yet a firm theoretical grounding of democracy must be found in a philosophical examination of the principles involved.<sup>7</sup> Most important, the definition of democracy in terms of a process tends to leave open the question of the goals to be served by the process, a fundamental flaw in any theoretical analysis. Speaking about law, Yves R. Simon postulated three questions which it always makes sense to ask about positive law.<sup>8</sup> There seem to be analogous questions which can be asked about a simple descriptive definition of democracy. Is democracy a just or unjust system of government? Should a democratic system ever be altered to make it less or more democratic? Why should the laws of a democratic government be obeyed? These questions suggest that more is needed than a descriptive definition of democracy. A consideration of democratic theory must also include an analysis of the philosophy of government generally and an exploration of normative questions.

Yves R. Simon, in his *Philosophy of Democratic Government*, devoted himself to such a philosophical consideration of democratic theory. Simon's formal definition of democracy is much the same as that of

<sup>4</sup> *Ibid.*, pp. 60-70 and chs. 5-8.

<sup>5</sup> *Politics of Freedom*, pp. 50, 61.

<sup>6</sup> See David M. Ricci, "Democracy Attenuated: Schumpeter, the Process Theory, and American Democratic Thought," *Journal of Politics* 32 (1970): 239-67. This idea of democracy has, of course, also drawn considerable criticism. For a recent review of some of the issues, see Quentin Skinner, "The Empirical Theorists of Democracy and Their Critics: A Plague on Both Their Houses," *Political Theory* 1 (1973): 287-306. For a critique of certain assumptions of recent American democratic theory and citation of the relevant literature, see Clarke E. Cochran, "The Politics of Interest: The Eclipse of Community in Contemporary American Political Theory" (PH.D. dissertation, Department of Political Science, Duke University, 1971), ch. 4.

<sup>7</sup> *Introduction to Democratic Theory*, pp. 218, 242.

<sup>8</sup> *The Tradition of Natural Law: A Philosopher's Reflections*, ed. Vukan Kuic (New York: Fordham University Press, 1965), pp. 111-18 (hereafter cited as *TNL*).

other theorists: "In direct democracy there is no distinct governing personnel; the people governs by majority rule. In representative or indirect democracy the governing personnel is subjected to the control of the people through the procedure of periodical elections."<sup>9</sup> The difference, however, is that Simon explores the foundations of government and attempts to distinguish those features of government which are essential to all government from those which are peculiar to democracy alone. Thus an examination of Simon's democratic theory uncovers some fundamental issues in a theoretical analysis of democracy and points the way to their resolution. Specifically, it should describe the status of freedom and authority in democracy and facilitate a rigorous evaluation of democracy as a form of government.

## I

The distinguishing feature of democracy, according to Simon, is freedom, the particular freedom of the people to govern itself.<sup>10</sup> But before we can understand the relation of freedom to democracy, we must understand its relation to authority. Simon's development of the theory of authority is probably his most significant contribution to political philosophy.<sup>11</sup> Simon recognizes that in the modern world authority has a bad name; it seems to conflict with freedom. The growth of liberty is said to imply the decay of authority. Simon argues that this bad name comes from the prevailing "deficiency theory of government."<sup>12</sup> This theory holds that only the deficiencies (moral, educational or otherwise) in men make government and authority necessary. As education and better institutions overcome such deficiencies, authority should have less and less of a role in politics. Simon, however, believes that authority is not a result of accidental deficiencies, but rather that it is essential in the ordering of human affairs.

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<sup>9</sup> *Philosophy of Democratic Government* (Chicago: University of Chicago Press, 1951), p. 75 (hereafter cited as *PDG*; all citations are from the paperback edition published by the University of Chicago Press in 1961).

<sup>10</sup> *Ibid.*, pp. 76, 142.

<sup>11</sup> Simon's theory of authority is quite complex and cannot be given detailed consideration here; only a summary will be provided. I have attempted a more detailed exploration in "Authority and Community: The Contributions of Yves Simon, Carl Friedrich, and Michael Polanyi," *American Political Science Review*, 71 (1977): Forthcoming. See also Vukan Kuic, "The Contribution of Yves R. Simon to Political Science," *The Political Science Reviewer*, 4 (1974): 55-104. Simon considered authority systematically in *PDG*, ch. 1; in *The Nature and Functions of Authority* (Milwaukee: Marquette University Press, 1940), and in *A General Theory of Authority* (Notre Dame: University of Notre Dame Press, 1962) (hereafter cited as *NFA* and *GTA*, respectively). Valuable bibliographies have been compiled by Anthony O. Simon, "Yves R. Simon: A Bibliography, 1923-1970," in Yves R. Simon, *Work, Society, and Culture*, ed. Vukan Kuic (New York: Fordham University Press, 1971), Appendix, pp. 189-226 and "Bibliographie d'Yves Rene Simon," *Revue Philosophique De Louvain*, 73 (1975): 362-67.

<sup>12</sup> *PDG*, pp. 4-6 and ch. 1 passim.

Simon roots his theory of authority as, indeed, his entire democratic philosophy in the idea of the common good and in the concept of community.<sup>13</sup> Community and common good are intimately related, community being defined as a society relative to a common good.<sup>14</sup> Society does not exist to serve individual needs alone: society allows men to create and share common material goods, common values, common experiences. It makes this sharing possible over an extended period of time, a span longer than the individual's life, and more various and diverse than would be possible if individuals were fulfilling only their own particular desires and needs.<sup>15</sup> There are, according to Simon, two types of societies: the community and the partnership, and, correspondingly, two kinds of social goods. The common good of a community calls forth a "common life of desire and action." The good of a partnership does not.<sup>16</sup> The good of a community consists in a common life of desire and action, a "unity in knowing and loving or hating," for "the most important part of community takes place in the heart of man."<sup>17</sup> Community is a form of relationship "characterized by a high degree of personal intimacy, emotional depth, moral commitment, social cohesion, and continuity in time," to use the formulation of Robert A. Nisbet.<sup>18</sup> A partnership, on the other hand, is characterized by ties of mutual self-interest and does not necessarily contain any deep personal commitments. Its good is simply a "common interest," a sum of particular, private interests which happen to be interdependent.

Authority, as Simon points out, is not needed in partnership arrangements (contracts) unless there is some deficiency present (such as failure by one of the parties to fulfill his contractual obligations). Therefore, if society were a partnership, the deficiency theory of authority would hold.<sup>19</sup> But, for Simon, political society is not a partnership but a community. He utterly rejects the contract theory of government. Since common action is essential to a community, authority is essential. The causation of common action in pursuit of the common good is the function of authority: "The power in charge of unifying common action through rules binding for all is what everyone calls authority."<sup>20</sup> Authority thus depends upon and creates communi-

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<sup>13</sup> Simon systematically considered community and common good in three places: *PDG*, pp. 48-50, 62-66; *TNL*, pp. 86-109; and "Common Good and Common Action," *Review of Politics* 22 (1960): 202-44 (hereafter cited as "CGCA"). See also *GTA*, ch. 2, and *Freedom and Community*, ed. Charles P. O'Donnell (New York: Fordham University Press, 1968), pp. 103-8, 130-44 (hereafter cited as *FC*).

<sup>14</sup> *PDG*, p. 64; see also "CGCA," p. 210.

<sup>15</sup> See *CGCA*, pp. 206-7; *TNL*, pp. 88-89.

<sup>16</sup> *PDG*, p. 49; see also "CGCA," pp. 208-10, and *FC*, pp. 103-9.

<sup>17</sup> *TNL*, pp. 95-96; see also *GTA*, pp. 125-26.

<sup>18</sup> *The Sociological Tradition* (New York: Basic Books, 1966), p. 47.

<sup>19</sup> "CGCA," p. 209.

<sup>20</sup> *Ibid.*, p. 221.

ty and common good. They are mutually creating and reinforcing.

Authority has three principal functions in unifying common actions.<sup>21</sup> First, since men are often selfish or ignorant, they put their particular goods before the common good. Authority, then, must direct the proper ordering of goods and unify the community behind the common good. This function of authority Simon calls "parental," and acknowledges that it is rooted in deficiencies. The second function of authority, however, is essential and would be needed even if men had no deficiencies of intelligence, information, or virtue. Authority in this case unifies action when there is more than one proper and beneficial means to the common good. It selects one course of action from a variety of worthy possibilities. The third function of authority is what Simon calls its most essential function. Here authority unifies action in the determination of the matter of the common good itself, the determination of the actual goods to be pursued by the society. Such a function is necessary if diversity and freedom are to be preserved for individual members of society while common action in the pursuit of the welfare of the community is guaranteed. Therefore, "considered in its essential functions authority is neither a necessary evil nor a lesser good nor a lesser evil nor the consequence of any evil or deficiency—it is, like nature and society, unqualifiedly good."<sup>22</sup> The nature of man and human society, not their imperfections, requires authority.

## II

After examining authority, Simon is in a position to define its relation to liberty and autonomy. It is important to recognize, however, that the kind of liberty which Simon identifies with autonomy is "terminal" liberty, that is, liberty which is the power of choosing the good alone and which consists in the interiorization of the moral law. Freedom is the "superdetermination" which enables a man to choose the proper means to his ends from the variety available to him. It depends upon the possession of virtue and strength of character, which allows him to reject false ends and false means and to keep what is good and good for him clearly in view. It is not "initial" liberty, or the sheer power of choosing either the good or the evil. Nor is it the spontaneity, lack of determination, openness, and self-expression so exalted in some recent theory.<sup>23</sup> Initial liberty of choice is a means,

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<sup>21</sup> See n. II above for the sources of this summary.

<sup>22</sup> *PDG*, p. 59.

<sup>23</sup> See, for example, Christian Bay, *The Structure of Freedom* (Stanford: Stanford University Press, 1958), and "Foundations of the Liberal Make-Believe: Some Implications of Contract Theory versus Freedom Theory," *Inquiry* 14 (1971): 213-37; Henry S. Kariel, *Open Systems: Arenas for Political Action* (Itasca, Ill.: F. E. Peacock, 1969).

and is provided by the very fact of man's rational nature. Terminal liberty is an end and a perfection, and must be acquired.<sup>24</sup> The basic idea here is the ancient one of self-control. The image is that of the prudent man who has chosen well his life's goals and has achieved mastery over the fears, desires, and temptations which would deflect him from their pursuit. The growth of terminal liberty, therefore, implies the decay of any false authority which would attempt to keep mind and character in perpetual subjection. It implies the substitution of persuasion for coercion and the decay of parental authority.

The progress of liberty does not, however, imply the decay of the essential functions of authority.<sup>25</sup> Indeed, Simon rightly points out that some obstacles to freedom are internal to the person; hence, obedience to authority, if it works to remove those obstacles, may promote freedom. Authority, even in its coercive aspects, may actually increase freedom. Moreover, the same perfections which increase freedom also make the essential functions of authority necessary by increasing the variety of possible means to and matter for the common good.<sup>26</sup> The more persons come to achieve autonomy, the sooner the social deficiencies springing from their lack of autonomy will disappear. The removal of deficiencies opens more routes to the common good and more possibilities for shared life, experience, and community.

Simon's contention, then, is that authority does not conflict with liberty. Let us examine this contention and its social dimensions more closely.<sup>27</sup> Autonomy is related to the transcendent good of an individual considered as a person, that is, as a whole, and not simply as a member of a particular society. Since the common good of a society

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<sup>24</sup> *FC*, passim., esp. ch. 1 and pp. 36-46, 95-101; *NFA*, pp. 43-44; "CGCA," p. 244. In *Freedom of Choice*, ed. Peter Wolff (New York: Fordham University Press, 1969), Simon provides the foundation for this conception of freedom. For an explication see Kuic, "Contribution of Yves R. Simon," pp. 64-81.

<sup>25</sup> *NFA*, pp. 45-46. For a similar analysis of the nature of freedom and its relation to authority, see John H. Hallowell, *The Moral Foundation of Democracy* (Chicago: University of Chicago Press, 1954), pp. 112-19; Giovanni Sartori, *Democratic Theory* (New York: Frederick A. Praeger, 1965), pp. 137-40. Compare Hannah Arendt, "What Is Authority?" in her *Between Past and Future* (New York: Viking Press, 1961), esp. pp. 100-106. The opposite argument, that authority and autonomy are contradictory, has one of its most effective spokesmen in Robert Paul Wolff, *In Defense of Anarchism* (New York: Harper & Row, 1970). Wolff's position has been strongly criticized by Lisa H. Perkins, "On Reconciling Autonomy and Authority," *Ethics* 82 (1972): 114-23; by Harry G. Frankfurt, "The Anarchism of Robert Paul Wolff," *Political Theory* 1 (1973): 405-14; and by Jeffrey H. Reiman, *In Defense of Political Philosophy* (New York: Harper & Row, 1972).

<sup>26</sup> See *FC*, pp. 41, 70, 125-30; *GTA*, pp. 148-56; *NFA*, pp. 33-34; *PDG*, pp. 32-35, 110-14.

<sup>27</sup> This discussion draws on "CGCA," pp. 235-43; *PDG*, pp. 70-71; and *FC*, pp. 46-60 and chs. 3-4. For a fuller discussion of the relationship between personal and particular goods, see Jacques Maritain, *The Person and the Common Good*, trans. John J. Fitzgerald (New York: Charles Scribner's Sons, 1947).

must be a good shared by the members of the society (thus not a good external to men), it must promote the personal goods (such as integrity, virtue, relation to God) of its members.<sup>28</sup> In addition to these personal goods to which autonomy is essentially related, each person has particular goods (such as wealth, health, interests) which contribute to his development. Because it is related to the personal good of each member of society, the common good takes precedence over the particular goods of any member. Thus authority may direct the possession and use of particular goods toward the common good. On the other hand, the autonomous individual uses his particular goods as means to his transcendent (personal) good. How can internal direction by the autonomous man be compatible with external direction by authority? Simon solves this dilemma by reference to two principles. First, the autonomous man, because he accepts the precedence of the common good over his particular goods, interiorizes the authority which directs the use of these goods. Thus, for such a man, the tax laws do not stand as external commands and sanctions, but as embodiments of his moral obligation to support the common good. Second, the proper functioning of authority requires that the promotion of particular goods compatible with the common good be left to the care of individuals or to the smallest associations possible. The common good of the community thus requires both the principle of authority and the principle of autonomy. The former asserts that "wherever the welfare of the community requires common action, the unity of that common action must be assured by the higher organs of that community" The latter asserts that "wherever a task can be satisfactorily achieved by the initiative of the individual or that of smaller social units, the fulfillment of that task must be left to the initiative of the individual or to that of small social units."<sup>29</sup>

Because both society and the individual interiorize these principles, authority and autonomy are compatible: "Familiar contrasts are transcended, authority and autonomy do not conflict with each other and do not restrict each other. They cause and guarantee one another."<sup>30</sup> By advancing wholeheartedly his particular goods, and yet deferring to authority when it is determined that his goods must yield to the common good, the free man promotes both the common good and his own personal good. Moreover, the social pluralism implied in this theory of the relationship between authority and freedom is different from and more adequate than the "interest-group pluralism" which is alternately praised and damned in the literature of American political science.<sup>31</sup> Such pluralism does, it is true, ac-

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<sup>28</sup> See *TNL*, pp. 86-109.

<sup>29</sup> *NFA*, p. 47; see also *PDG*, p. 140.

<sup>30</sup> "CGCA," p. 243.

<sup>31</sup> Compare, inter alia, Theodore Lowi, *The End of Liberalism* (New York: W. W. Norton, 1969); Darryl Baskin, *American Pluralist Democracy: A Critique*

knowledge common values and individual and group initiative. Yet the common values are most often simply rules for fairness in the pursuit of particular (private) interests, and the value of individual and group initiative is measured only in terms of the promotion of freedom. Simon's pluralism is oriented to the common good and the personal good as well as to freedom and particular interests. It is the absence of a sound notion of the common good which lies at the heart of the failure of interest-group liberalism.<sup>32</sup>

Because the order of the common good is an order which must contain both freedom and authority, the simplistic notion that democracy must balance freedom and order is transcended, for "freedom, correctly understood, is the most ordered thing in the world. It causes order to descend into the depths of the human will."<sup>33</sup> Thus freedom, liberty, and autonomy are guaranteed by and guarantee essential authority. This holds true in any legitimate form of government, but a special relationship between freedom and authority obtains in a democracy.

### III

Following Aristotle, Simon designates as a "political system" any government in which the governed possess a legally defined and institutionally organized power of resistance to arbitrary government.<sup>34</sup> Such a regime may be thoroughly non-democratic; yet its citizens may still possess autonomy.<sup>35</sup> Democracy, however, has its own ways of preventing abuse and of guaranteeing freedom; that is, of procuring the political condition. As Simon puts it:

This it does or attempts to do by either of two methods or by a combination of the two. In direct democracy there is no distinct governing personnel; the people governs by majority rule. In representative or indirect democracy *the governing personnel is subjected to the control of the people through the procedure of periodical elections.*

Democracy, however, attempts to go further than mere prevention of abuse by government:

When the political idea assumes the democratic form, the people asserts, over and above its freedom from abusive power, its freedom to govern itself. Keeping

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(New York: Van Nostrand Reinhold, 1971), and William E. Connolly, ed., *The Bias of Pluralism* (New York: Atherton Press, 1971).

<sup>32</sup> I have developed this argument more extensively in "Political Science and 'The Public Interest,'" *Journal of Politics* 36 (1974): 327-55.

<sup>33</sup> *FC*, p. 19; for typical examples of comments on "balancing" freedom and order, see Robert Y. Fluno, *The Democratic Community* (New York: Dodd, Mead, 1971), esp. chs. 1-3; Ithiel de Sola Pool, "The Public and the Polity," in Pool, ed., *Contemporary Political Science* (New York: McGraw-Hill Book Company, 1967), pp. 22-52.

<sup>34</sup> *PDG*, pp. 72-73 and n. 1.

<sup>35</sup> *Ibid.*, pp. 74-75.

the government confined within a certain field is no longer held sufficient; the government has been taken over by the people. Such is democratic freedom, the defining feature of democracy.<sup>36</sup>

If the people are to control the government and if, in addition, their freedom to govern is the defining principle of the democratic state, then the relation of authority to democracy must be considered. Authority and coercion, Simon observes, are often confused; yet coercion is merely an instrument of authority. Authority uses both coercion and persuasion, and, in fact, the frequent use of coercion signifies weakness of authority. Persuasion is a moral process and implies the operation of free choice, while coercion conflicts with free choice (though, as we have seen, ultimately it may facilitate "terminal" liberty). Although it is often not easy to tell them apart, especially when coercion is psychic, the distinction is crucial.<sup>37</sup> For Simon, coercion is not the essence of the state, although it results from that essence and presupposes it. Coercion is only an essential property of the state, the essence of which is the completeness of the common good it pursues.<sup>38</sup> Here again Simon differs from other contemporary democratic theorists in whose work the identification of the state with coercion is almost a commonplace.<sup>39</sup>

According to Simon, democracy is no different from any other form of government in possessing the right to use coercion, yet democracy always strives to use the form of authority that is persuasion. Simon outlines the relation of democracy to persuasion in three principles:

- 1 As a lawful and political regime, democracy systematically prefers persuasion to coercion and endlessly struggles to extend the domain of government by persuasion. . . .
- 2 As an elective regime, democracy rules that persuasion plays a decisive role in the designation of the governing personnel.
- 3 As democracy, it rules that attempts at persuading the voter take place in open and public discussion.<sup>40</sup>

This requirement for open expression in democracy implies freedom of expression, though Simon seems to feel that the basic principles of society should be exempt from the discussion and debate which surrounds the choice of means to implement those principles.<sup>41</sup> Democ-

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<sup>36</sup> *Ibid.*, pp. 75-76 (emphasis in original).

<sup>37</sup> *Ibid.*, pp. 108-9.

<sup>38</sup> *Ibid.*, pp. 109-10, 134-35.

<sup>39</sup> See, for example, Cassinelli, *Politics of Freedom*, pp. 6-7; Mayo, *Introduction to Democratic Theory*, pp. 277-78; and Dahl, *Preface to Democratic Theory*, p. 79, n. 16.

<sup>40</sup> *PDG*, pp. 118-19.

<sup>41</sup> *Ibid.*, pp. 122-24. This topic is too complex to be discussed here. Although Simon recognizes that in practice deliberations over means and ends may be difficult to distinguish, he nonetheless contends that to preserve community, principles must be above deliberation. For opposing arguments, see Reinhold Niebuhr, *The Children of Light and the Children of Darkness* (New York: Charles

racy implies not only the freedom of the people to govern itself, thus requiring freedom of expression; it also demands other freedoms, for it is an illusion that democracy will perfect the state. No internal structure will guarantee the safety of society from state absolutism, which is a constant temptation to men in power; therefore, outside checks are needed. Freedom of the church and freedom of the press are the most important outside institutions. These are closely followed by private institutions, such as the private school, the independent labor union, the autonomous cooperative, private ownership, and free enterprise.<sup>42</sup> Democracy demands pluralism. Since the freedom of these institutions also follows from the twin principles of autonomy and authority, Simon again finds that authority and liberty do not oppose, but rather that they support each other.<sup>43</sup> Both democracy and authority imply freedom. What, then, is the relationship between democracy and authority?

Simon's discussion of sovereignty sheds some light on this question. Authority implies obedience, for "the primacy of the common good demands that those in charge of the particular goods should obey those in charge of the common good."<sup>44</sup> The theory of sovereignty is designed to provide the foundation for the claim of some men to have the right to be obeyed, and to account for the obvious fact that men do obey other men. Simon rejects one popular theory of sovereignty, which he terms the "Coach-Driver Theory" and which is often called "sovereignty of the people."<sup>45</sup> This theory, whose influence Simon traces to Rousseau, resolves the paradox of free men being bound to obey other men by declaring that it does not exist. It argues that officials have no authority; only the people do, and the people obey only themselves in a democratic state. Public officials simply drive the people where they want to go. According to this theory, the "obedience of man to man . . . is mere illusion and violence, . . . the citizen ought to obey himself alone."<sup>46</sup> Simon argues that this is not really a theory of sovereignty at all, but a theory of anarchy, for if its necessary implications were drawn, the citizen would be bound to obey only when he was in the majority on any issue: "The artifice calculated to do away with obedience threatens directly the princi-

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Scribner's Sons, 1950), pp. 60-75; Thomas L. Thorson, *The Logic of Democracy* (New York: Holt, Rinehart & Winston, 1962), pp. 139-40.

<sup>42</sup> *PDG*, pp. 135-38.

<sup>43</sup> *Ibid.*, pp. 139-41.

<sup>44</sup> *Ibid.*, p. 57.

<sup>45</sup> *Ibid.*, pp. 146-54. For a similar treatment of this subject, see Sartori, *Democratic Theory*, chs. 5-6.

<sup>46</sup> *PDG*, p. 147. One might be tempted to attribute this position to Wolff (*Anarchism*), but Wolff, while accepting its basic premises, realizes their implications and draws the necessary conclusion. Legitimate authority, he argues, can be found only in a unanimous direct democracy. His conclusion is convincing evidence for Simon's argument that anarchy is the only position consistent with the assumptions of the "Coach-Driver Theory."

ple of authority in its most essential function." In obeying laws we obey other men, not ourselves, as Rousseau would have it. To explain this fact, Simon argues that only God can grant the power of binding consciences:

There is something paradoxical about one man's having the power to bind the conscience of another man. Of course, a man cannot do such a thing. God alone can. This he did by the creation of the human species, which is naturally social and political; for the necessity of government and obedience follows from the nature of community life.<sup>47</sup>

Authority and sovereignty, then, flow from the nature of political society, and the first possessor of sovereignty and authority is the community, the people as a whole. Sovereignty, Simon seems to be saying, is the right to exercise authority, and the correct theory of sovereignty is what Simon calls the "transmission" theory.<sup>48</sup> The transmission theory holds that God has given the people the right to exercise the authority which follows from the necessity of government. The people may or may not transmit this authority to distinct governing personnel. If they choose not to transmit it, then the form of government is a direct democracy. In this case the individual obeys not himself, but the community decision. The normal situation, however, is for authority to be transmitted to distinct governing personnel. As Simon puts it, "whenever there is a distinct governing personnel, men have done two things . . . : They have *designated* the ruling person, and they have *transmitted* to him the power given by God to the people."<sup>49</sup> It is important to recognize that this theory is not necessarily democratic. Simon argues that "it [the transmission theory] implies that the governed consent to the government which is theirs, but it does not imply that this consent is necessarily exercised in the democratic procedure of election."<sup>50</sup> In fact, "government by the consent of the governed" has at least seven meanings, only a few of which are peculiar to democracy.<sup>51</sup>

The transmission theory, then, is not necessarily democratic, but it favors the promotion of democracy. It was mentioned above that non-transmission of authority means direct democracy. This fact provides the clue for recognizing the relationship between democracy and sovereignty (authority), for "what characterizes the democratic condition is that, in a democracy, sovereignty is never completely transmitted."<sup>52</sup> Any act of genuine transmission suspends the exercise of the people's

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<sup>47</sup> *PDG*, p. 145; also *GTA*, pp. 165, 167.

<sup>48</sup> The discussion below follows *PDG*, pp. 158–94.

<sup>49</sup> *Ibid.*, p. 158 (emphasis in original).

<sup>50</sup> *Ibid.*, p. 178. Cassinelli makes the same point (*Politics of Freedom*, pp. 92, 98–100), but his interpretation differs from Simon's when he applies the theory of consent to democracy. See below.

<sup>51</sup> *PDG*, pp. 191–94.

<sup>52</sup> *Ibid.*, p. 181.

authority, but it does not remove that authority (though it can be exercised only in extraordinary situations). But "democracy never transmits the whole of the transmissible powers. Every democracy remains, in varying degree, a direct democracy."<sup>53</sup> The powers of election, of referendum, and of public opinion are among the powers retained by the people. Something like this relationship between indirect and direct democracy seems to be what Giovanni Sartori means when he says, "The point is that although we are governed we are governed democratically; and this is so because of the value pressure, because the *is* of a governed democracy is molded by the *ought* of a governing democracy."<sup>54</sup> Clearly the idea of direct democracy remains normative for both Sartori and Simon, though both argue that it cannot be implemented in existing polities. Simon is careful to emphasize that the transmission of authority which takes place in a democracy is real and genuine. If it is not, if, for example, public opinion is designed to control and not merely to inform the governing officials, then the "Coach-Driver Theory" is implied. "Such practices mean rebellion and treachery established at the core of political life. They tend to corrupt political life into a competitive system where all moral idea is absent."<sup>55</sup>

If the circumstances demand transmission of authority to distinct governing personnel, it must be real and genuine transmission. "Non-transmission of authority does not destroy the essence of government; but ungentle transmission does."<sup>56</sup>

#### IV

We are now in a position to unfold the relationships between authority, freedom, and democracy in the thought of Yves Simon. Sartori implies that authority, by which he means power based on "persuasion, prestige, deference," is particularly characteristic of democracy:

Democracy is the political system which is built on the mode of exercising power that is called authority, in the sense that the typical feature of democracy is that it tends to transform power into authority, a *vis coactiva* into a *vis directiva*. Far from being repugnant to democracy, authority is its power formula par excellence.<sup>57</sup>

<sup>53</sup> *Ibid.*, p. 184.

<sup>54</sup> *Democratic Theory*, p. 85.

<sup>55</sup> *PDG*, p. 187; see also pp. 185-90 for the proper place of public opinion in a representative democracy. Simon's ideas here are quite similar to those expressed by Edmund Burke in his well-known "Speech to the Electors of Bristol."

<sup>56</sup> *Ibid.*, pp. 186-87. Jacques Maritain has argued that the concept of sovereignty has no place in a democracy (*Man and the State* [Chicago: University of Chicago Press, 1951], ch. 2). Maritain, however, uses the term in a very restricted sense, while Simon means by it the right to exercise authority. Maritain's argument, therefore, poses no problems for Simon's discussion.

<sup>57</sup> *Democratic Theory*, p. 138. Note that this understanding of authority is different from Simon's.

Simon would not disagree that authority is characteristic of democracy, but he does not tie it so closely to democracy. All lawful governments possess authority: in fact, possession of authority is that which makes them lawful. What is unique about democracy is not authority, but the fact that not all authority is transmitted to the governing personnel. The people retain the powers of election, often of referendum, and of influencing their governors. Cassinelli argues that democracy must possess "fuller" authority than other kinds of government in that it must possess a substantial portion of legitimacy or consent (belief in the moral right to rule).<sup>58</sup> Simon, however, argues that all lawful governments possess consent, authority, and legitimacy. Again, the only difference is that in granting consent, the people in a democracy retain a portion of sovereignty. Simon's careful philosophic analysis allows him to distinguish clearly and precisely those factors which characterize democracy as one form of lawful government. Democracy is not the only legitimate form of government, and its great value cannot be correctly perceived when too much is claimed for it.

These observations have important implications for the concept of freedom. As we have seen, Simon feels that democracy implies not only freedom of the people from arbitrary power of government but also freedom of the people to govern themselves. This follows from the fact that in a democracy the people retain a portion of authority, which is by nature an active principle directing action to the common good; therefore, democratic freedom for Simon is the ability of the people to choose their common good. "The more definitely a community is directed toward its common good and protected from disunity in its common action, the more perfect and the more free it is."<sup>59</sup>

Democracy is not often considered to be an end in itself, but there is an extensive debate over the ends which it is to serve. The basic question is over the determinate or indeterminate nature of these ends. If democracy is a means, then we must ask, "to what?" The position that the ends of democracy are indeterminate has often been taken. It is argued that since the people are to govern themselves, only they can determine their political goals. Mayo is very forceful in supporting this position:

Democracy sets up no scientifically ascertained 'end' for man, has no all-consuming purpose, no Form of the Good, no final ultimate to serve. It has its operating principles and their values; and it has the values inherent in the system; and it has a typical character which it both presupposes and promotes. Within these limits a democracy may be used to pursue aims which change from time to time. . . . The realm of political and social purposes in a democracy is open and indeterminate, unless they are very general and thus permit political dispute over policies.<sup>60</sup>

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<sup>58</sup> *Politics of Freedom*, pp. 108-9.

<sup>59</sup> *PDG*, p. 141.

<sup>60</sup> *Introduction to Democratic Theory*, pp. 277-78; also p. 309. Thorson argues along similar lines (*Logic of Democracy*, pp. 138-41).

The logical upshot of this perspective is the theory which identifies democracy as a process of compromise between conflicting interests, so long as the process meets certain standards of freedom and equality: "Democracy is a *method* of taking political decisions, of compromising and reconciling conflicting interests. The method is more important, more formative of the resulting social order, than the disputes so resolved."<sup>61</sup> These theories have been effectively criticized by John H. Hallowell, who asks, "How is it possible to mediate differences, to make compromises, without some standards of justice, the public interest, and the common good?" Compromises dictated by strength are inherently unstable: "A minority will agree to temporary rule by the majority, not simply because the minority cherishes the hope of someday becoming the majority, but because certain common interests transcend partisan interests."<sup>62</sup> Simon's philosophy of democracy is a reaffirmation of this principle and a strong attack on the idea of politics as conflict and resolution of private interests. As a form of legitimate government directed by authority, the end of democracy is determinate, that is, the common good of the community, the people as a whole. The common good is more than simply an agreement on some common values as "rules of the game." Simon's concept of the common good refers primarily to the purpose of the game. Yet the end is also indeterminate, for the matter of the common good cannot be specified a priori; it is a question for determination by the authorities in light of the contingent circumstances within which a particular democratic society exists. The unique feature of the democratic state is the active role taken by the people, in their public capacity and in cooperation with the distinct governing personnel, in determining the nature of their common goal and the means to its realization. It must be remembered that the common good is an ethical quality and cannot receive any matter which the people and the government wish to determine for it. Authority is bound by ethical reason and the requirement that it try to lead by persuasion rather than by coercion. Simon's theory of democracy, then, reaffirms the ethical nature of government and establishes normative standards against which actual democracies may be measured.

Yet the greatest deficiency in Simon's democratic theory concerns

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<sup>61</sup> E. F. M. Durbin, in Rejai, *Democracy*, p. 94. See also the selections from E. E. Schattschneider and Seymour M. Lipset in the same volume, pp. 116-21 and 122-23. The idea of democracy as the compromise of interests or, more broadly, as a process for resolving interest conflicts is widespread in contemporary writings on democracy and in modern political science generally. For substantiation of this contention and a critique of the idea of democracy simply as a process of interest conflict, see Cochran, "The Politics of Interest," ch. 4, and "The Politics of Interest: Philosophy and the Limitations of the Science of Politics," *American Journal of Political Science* 17 (1973): 745-66.

<sup>62</sup> *Moral Foundation*, pp. 34, 36, also pp. 27-47; Cassinelli, *Politics of Freedom*, pp. 135-38.

the role of the people in determining their common good. If the people in a democracy take a direct hand in this, then they must be regarded in two aspects, as private persons and as public persons. For autonomy requires that individuals have the freedom to promote their private goods (see section II above). It also follows that the citizen will have two functions corresponding to these two aspects of his citizenship. As a private person he must will the common good formally and must will his own particular good materially. As a public person he must be concerned with both the form and the matter of the common good. It is easy to see that these two roles may often come into conflict, and we need not look too far in existing democracies to find examples of such conflict.

Simon does take note of the difficulties and tensions which these roles may create for the conscientious man, but he does not consider the problem in the context of democracy and gives little guidance for its resolution.<sup>63</sup> How far can the individual go in promoting his particular good? Might not too effective a promotion of it prevent decisions furthering the common good? If an individual or subsidiary group acts in the political process to promote its private good, does it thereby cease to be a private person and become a public person? If so, then it must advocate the public and not the private good. Simon's discussion of the need for political parties to be open to the public and of the role of public opinion are not helpful in the resolution of this problem, for he does not make it clear whether the people in these situations are expressing their particular interests or their opinions of the common good.<sup>64</sup> The importance of the autonomy of the individual and of small units is the ground for Simon's idea of pluralism. Here again, the relationship between the plural units and the institutionalization of this relationship needs elaboration if the relation of the common good to private goods is to be fully considered.<sup>65</sup>

The conflict between the private and the common good seems particularly acute in a democracy, in which each man must promote both. Ultimately, the tension may be incapable of resolution except by the virtuous man. The problem of the common good in a democracy may resolve itself into the problem of creating a virtuous citizenry. In other words, the problem of political education, with which Plato, Aristotle, and Tocqueville were so vitally concerned, is brought to the foreground of our attention by Simon's theory of democracy.<sup>66</sup>

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<sup>63</sup> *PDG*, pp. 43-47.

<sup>64</sup> *Ibid.*, pp. 104, 185-90.

<sup>65</sup> Simon discusses the autonomy of small units throughout *PDG* and attends to some specific considerations in chs. 4-5, but the discussion is not systematic enough to solve the problem raised.

<sup>66</sup> Simon's notion of the "perfective" functions of authority, which he does not develop in detail, is quite suggestive in this connection. See *FC*, pp. 51 and 55; *PDG*, pp. 60-61. n. 23. Michael Oakeshott considers political education in his essays "Political Education" and "The Study of 'Politics' in a University,"

## V

One question still remains in our exposition of Simon's democratic theory. Why is democracy to be preferred to other forms of government if the conditions allowing its establishment are present? The answer to this question is implicit in what has gone before and needs only to be clearly articulated. The first factor to be noted is that democracy promotes freedom, though not, of course, because it does away with authority. As we have seen, any regime which possesses genuine authority promotes freedom because freedom and authority are complementary. Democracy, however, has a special role in promoting freedom. First, it demands that risks be accepted in ending all forms of paternal (substitutional) authority of the few over the many, of the "aristocrats" over the "common man." "It . . . favors the early granting of autonomy in all domains of paternal authority." Since this process involves the dangers of misuse of autonomy, democracy demands heroism; it is not an easy form of government.<sup>67</sup> Second, democracy as a political form of government attempts to guarantee the people freedom from arbitrary rule; as democracy it leaves the people free to govern themselves. Recent theorists of democracy have placed much emphasis on the benefits which democratic participation—through voting, public discussion, petition, and political action—provides for the full development of a citizen's human potential.<sup>68</sup> While Simon undoubtedly disagrees with these theorists on important points, clearly he would find the results of these activities, which derive from the freedom of the people to govern themselves, important for human development. Democracy adds to the other freedoms which a man may have the freedom to participate in determining the content of the common good.

But how effective is democracy in eliminating the substitutional function of authority, in promoting its essential functions, and in advancing the common good? This is a second factor to be considered in evaluating democracy. Space does not allow a detailed examination of Simon's answer to this question. Suffice it to say that he considers an inflated optimism concerning the ability of the people to govern themselves and to promote the common good to be dangerous. Nevertheless, the people do have special skills which can promote the common good. While they may not always be able to place good men in posi-

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both in *Rationalism in Politics* (New York: Basic Books, 1962), pp. 111-36, 301-33.

<sup>67</sup> See *PDG*, pp. 15-18. The passage quoted is on p. 17.

<sup>68</sup> See, for example, Kariel, *Open Systems*; Wolff, *Anarchism*; Peter Bachrach, *The Theory of Democratic Elitism* (Boston: Little, Brown, 1967); and Baskin, *American Pluralist Democracy*, esp. ch. 8. Of special importance is Hannah Arendt, *The Human Condition* (Garden City, N.Y.: Doubleday, 1959).

tions of authority, they do seem to avoid placing bad men in them. The people also have a special skill in deliberating about policy. Moreover, a distribution of power to the many is necessary to protect the people from the mistakes, blindnesses, or evils of elitist governments.<sup>69</sup>

One of Simon's greatest virtues as a theorist of democracy is his ability to distinguish clearly between those goods which are the responsibility of all just government and those which are peculiar to democracy. The refusal of many contemporary theorists, Mayo, for example, and even Cassinelli, to some extent, to consider democracy and government in normative terms seems to result in their requiring of democracy outcomes which are in fact the responsibility of any just government. If these results are not forthcoming, a "disillusioned optimism" may be the result. It is dangerous to expect too much from any form of government or from imperfect men in an imperfect world. The true value of democracy can only be appreciated from the perspective of what Reinhold Niebuhr has termed "political realism."<sup>70</sup> It is this kind of realism which informs and elevates Yves Simon's democratic theory.

<sup>69</sup> This paragraph summarizes *PDG*, pp. 77-99.

<sup>70</sup> See Niebuhr, *Children of Light* and "Augustine's Political Realism," in James V. Downton, Jr., and David K. Hart, eds., *Perspectives on Political Philosophy*, Vol. I (New York: Holt, Rinehart and Winston, 1971), pp. 243-57. Simon discusses optimism and pessimism in *FC*, ch. 6.