Democracy and Tradition
A Catholic Alternative to American Pragmatism

I. Introduction

Times of national crisis often evoke a sense of solidarity that makes common action possible; differences of various kinds—religious, philosophical, political, racial—that in the ordinary course of things loom large recede. In the wake of 9/11, for instance, we saw spontaneous displays of civic concern: citizens caring for citizens across deep differences. Yet, when the immediate danger passes and the headlines change, the divisive dimensions of our social life resurface and we are once again faced with nagging questions: In what sense are we a people? What unites this nation of ours? In a religiously and ethnically homogeneous culture these questions are readily answered: one can point to long-standing, shared traditions that express the identity of the polis. But in a decidedly pluralistic culture, such as ours, the question is more difficult to answer.

Americans do not share a common creed or ancestry. What is more, they have inherited a republic that was founded upon revolution—and not only in a military sense. The Founders understood themselves to be doing something new. As Madison boasts in Federalist No. 14: “Is it not the glory of the people of America, that,
whilst they have paid a decent regard to the opinions of former times and other nations, they have not suffered a blind veneration for antiquity, for custom, for names, to overrule the suggestions of their own good sense, the knowledge of their own situation, and the lessons of their own experience?”1 These would not seem to be hospitable grounds for a unifying tradition.

Yet, in his recent book, *Democracy and Tradition*, Jeffrey Stout has argued that, in fact, “Democracy . . . is a tradition” and not simply a procedural one.2 The burden of his argument is to show that the American democratic tradition is more capacious than the minimal-ist liberalism of a Rawls or Rorty. It is not reducible to state neutrality and individual autonomy, nor is it saddled with the reason-tradition dichotomy found in typical liberal accounts of public reason. According to Stout, since it escapes empty procedurialism, American democracy defies the searing criticism of traditionalists from Burke to MacIntyre. Rightly understood, it is expansive enough to unite a widely diverse people and rich enough to elicit from them the virtues necessary for self-rule. Thus, for Stout, it is possible for contemporary Americans to join together as a people in a meaningful way to continue the democratic experiment “in order to form a more perfect union.”

Among the prospective audiences of Stout’s book, he especially hopes to reach Christian believers, particularly those drawn to the “new traditionalism” of thinkers like Hauerwas, Milbank, and MacIntyre. The author regards this sector as so important because these thinkers have articulated rhetorically powerful arguments against modern democracy, arguments that have the potential to persuade many citizens that American democracy is a purely formal, contentless system harboring an inner logic that erodes the very institutions upon which it depends for the formation of civic virtue. Such a conclusion, Stout worries, could prompt scores of citizens to abandon the democratic project and retreat into sectarian enclaves.

This article will explore whether Stout’s invitation to join the democratic tradition as he fashions it is likely to be persuasive to
this constituency. In particular, it will examine three related questions: Will traditional or “orthodox” Christians find Stout’s understanding of tradition compelling? Will they find the terms of his democratic social cooperation acceptable? And, if not, are there alternative sources for envisioning democratic practice? The exploration of these questions will operate from a Catholic theological perspective, but as the article makes clear, its conclusions would find resonance in many other traditions.

II. Piety Vindicated: Clothing the Naked Public Square in Democratic Garb

Stout recognizes from the outset the difficulty in responding to the new traditionalist critique since it appears especially plausible when leveled against the positions of liberal political theorists, especially concerning the public place of religion. In its most stringent form, liberalism’s version of public reason does, indeed, render the public square naked, since it demands that religious believers bracket their most deeply held theological convictions upon entering; they must make their arguments upon “reasonable” grounds, grounds that in principle might be acceptable to any citizen. As Stout rightly observes, even in its modified form (evident in Rawls’s later writings, for instance) religiously grounded political argument labors under a second-class status; it fails the test of reasonability and must be supplemented by secular arguments. For Stout, even this expanded conception of the space for common deliberation falls short of a genuinely democratic forum; it is an ill-conceived and impractical foundation for public discourse in America. By contrast, he proposes an alternative, more inclusive understanding whereby “all democratic citizens should feel free... to express whatever premises actually serve as reasons for their claims. The respect for others that civility requires is most fully displayed in the kind of exchange where each person’s deepest commitments can be recognized for what they are and assessed
accordingly” (10). Thus rather than imposing a secular standard upon religious citizens, Stout’s criterion of reasonableness consists in responsible participation in discursive exchange, that is, a willingness to engage in a free discussion of ideas, positions, and rationales in which each participant enjoys equal standing as well as the opportunity to employ “fair-minded immanent criticism” (90) of his interlocutors.

In distinguishing his account of public reason from Rawls’s and more obviously from Rorty’s description of religion as “conversation stopper,” Stout hopes to invite religious believers into serious consideration of American democracy as a viable framework for understanding the res publica and as a ground of unity among diverse citizens. A student of religion, Stout intends to be sensitive to the concerns of believers who perceive democracy to be corrosive of tradition. He also challenges them to consider the possibility that “modern democracy is not essentially an expression of secularism” (11) but is rather a space within which religious and nonreligious citizens alike can live out an active public life that pays due regard to their highest concerns.

Among the central pillars of his argument is the claim that democracy does not forsake the virtue tradition held dear by the “new traditionalists.” On the contrary, the American democratic tradition embraces such virtues as piety, hope, and love, though admittedly it interprets them in a different way. But this different interpretation, Stout insists, is substantive. The reinterpretation effected by the likes of Emerson, Whitman, and Dewey does not evacuate these classical virtues of all content; while keeping certain elements of the traditional understanding, it adds new content, reflective of the new circumstances and insights that emerge in the American democratic context. Stout is confident that this appropriation of the virtues is adequate to the task of unifying a diverse people into a cultivated citizenry bonded by their sense of piety, hope, and love. Religious believers should find such a description congenial because it recognizes the value-laden character of democratic formation
and gives scope to the normative aspirations that motivate men and women to other-regarding, civic action.

Stout intentionally focuses on piety as a central democratic virtue and for good reason. Critics of democracy have attacked it as impious, a regime that undermines deference and fosters an unseemly form of self-assertion. Robert Kraynak has recently elaborated this claim quite pointedly. At the root of these criticisms, Stout suspects the operation of a cramped and narrow conception of piety according to which the individual—especially the “common man”—defers to “the hierarchical powers that be” (37). Democracy, he admits, is indeed inimical to piety so construed, but Stout resists a singular conception of this virtue and offers an alternative understanding. In his reformulation, piety is a “just or fitting acknowledgment of the sources of our existence and progress through life” (36). Understood in this way, the democratic tradition proves hospitable to piety, granting its citizens wide latitude to cultivate it. And since for Stout piety is fundamentally a work of the imagination, a democratic setting offers the individual the broadest scope for envisioning the sources of his dependence and conceiving the most fitting ways of acknowledging this dependence.

According to Stout’s narrative, the republic’s great spokesmen, far from disvaluing piety, embrace it. Emerson, for instance, featured it prominently in his catalog of democratic virtues: “Courage, piety, love, wisdom,” he intones, “can teach; and every man can open his door to these angels, and they shall bring him the gift of tongues” (ibid.). The way of democratic perfection thus lies open to all; by his own efforts man can deliver the gifts once reserved to the dispensation of the Holy Spirit. Whitman, following his august teacher, exhibits Emersonian piety in his testimony to gratitude—what Stout calls the better part of piety. “It is indispensable to a complete character, man’s or woman’s—the disposition to be appreciative, thankful. . . . Of my own life and writings,” the poet continues, “I estimate the giving thanks part, with what it infers, as essentially the best item” (37–38). Even John Dewey, frequent
critic of traditional religion, demands a place for this virtue. Criti-
cizing militant atheists for their “lack of natural piety,” Dewey rec-
ommends a “religious attitude” that recognizes “the sense of connec-
tion of man, in the way of both dependence and support, with the
enveloping world that the imagination feels is a universe” (38). For
Stout the foregoing passages attest to the enduring presence of the
classical virtue tradition, which, he insists, has not been jettisoned
but merely democratically reconceived. Even such a bold innovator
as Whitman testifies to the perennial value of certain “old undying
elements” that must be adjusted to “new combinations, our own
days” (27).

Such an adjustment, for Stout, represents an admirable approach
to the past, which should be neither worshipped nor discarded but
selectively appropriated in a pragmatic mode. Traditionalist criti-
cism notwithstanding, democracy does not dispense with the expe-
rience, lessons, and exemplars of earlier ages; it incorporates them
into its vision as particular circumstances warrant. This mode of
engagement is the hallmark of American pragmatism—what Cor-
nel West calls a “rich and revisable tradition”—and which Stout
understands as “the philosophical space in which democratic rebel-
lion against hierarchy combines with traditionalist love of virtue to
form a new intellectual tradition that is indebted to both.” In short,
“pragmatism is democratic traditionalism” (13; emphasis in original).

Stout acknowledges at the outset that the substance of the demo-
cratic tradition lies not in a developed anthropology premised upon
a single conception of justice. Rather, he contends, it is best appreci-
ciated as a matter of attitudes, practices, dispositions, and character-
istic concerns. Among the distinctive marks of this new intellec-
tual tradition is a reconceptualization of social and civic relations on
an egalitarian footing. Eager to overcome the artificial distinctions
among classes found in aristocratic ages and the patterns of defer-
ence these encouraged, democracy replaces stratification with the
ideals of equal voice and equal consideration: citizens come toget-
er in a mode of “nondeferential conversability” (22), present their
positions based upon whatever premises they deem prudent, and respectfully scrutinize one another’s claims. Such citizens expect that every position in principle is subject to criticism and must be defended by the giving of *reasons*. Though Stout admits that modern democratic reasoning is secularized—that is, not governed by religious assumptions—he insists that it is not a product of secularism nor is it hostile to religious believers; hence his broad invitation to join the conversation.

**III. Stout’s Characterization of Tradition**

Christians ought politely but firmly decline Stout’s invitation because it cannot be considered a genuine invitation at all. This is not to impute bad motives or insincerity to the author. There is reason to take him at his word. He is earnest about expanding the range of conversation partners at the democratic table—as his non-Rawlsian conception of public reason attests. Rather, it is to suggest that Stout doesn’t quite know his invitees as well as he thinks and that he has offered an invitation that is more offensive than welcoming. It is bad form to so egregiously misunderstand one’s guests.

What does he fail to grasp about them? Their understanding of tradition. In fact, it seems that Stout employs a dubious understanding of tradition simply. These two problems plague the argument throughout. In the first place, Stout proposes a false choice between a liberating, egalitarian democratic conception of tradition, on the one hand, and a stodgy, rigidly hierarchical one, on the other. His picture of the latter is meant to convey something about traditional Christianity, though it is often unclear whether Stout has in mind principally an earlier socioeconomic and political order or a religious one; arguably, he means both, and insofar as the picture applies to the Church, it is clear that Stout has erected a straw man.

Consider the following contrasts that lay the foundation for the argument: in an earlier age, one characterized as feudal, “common people . . . bowed down in gratitude and humility to everything
higher than themselves in the chain of being” (25). Marked by docility, these lowly folk assumed a posture of self-abnegation later described by Dewey as a “servile obedience rendered to an arbitrary power” (39). Piety in such a context entailed “deference toward the hierarchical powers that be” (37). By contrast, the American democratic tradition prized by Stout “encourages individuals to stand up, think for themselves, and demand recognition of their rights” (25). As Whitman so memorably puts it in Democratic Vistas: “Long enough have the People been listening to poems in which common humanity, deferential, bends low, humiliated, acknowledging superiors. But America listens to no such poems. Erect, inflated, and fully self-esteeming be the chant; and then America will listen with pleased ears” (ibid.).

Cast in these terms there is little mystery as to Stout’s embrace of the democratic enterprise. Stout praises the independence, even iconoclasm, of the American spirit. He celebrates its “principled scorn for unquestioning acquiescence in authority of any kind” (213). Schooled in a democratic milieu Americans rightly consider all authoritative claims defeasible. Possessed of a confidence unknown to their forbears, they reserve the right to demand reasons for such claims and to reject them if unsatisfied. This disposition informs and is reinforced by the discursive mode of modern democracy.

For Stout such a mode marks genuine progress in the political order. But its value is more than political; ultimately, he applies American pragmatism’s democratic reconception of authority to most other social phenomena, including religion. Here Stout endorses what he terms “self-reliant piety” (31). Unlike earlier—and inferior—religious dispositions, the preferred posture of “self-reliant democratic individuals” is independent, not deferential (30). Having appropriated once-priestly tasks, ordinary men and women can now determine for themselves what the ultimate ground of their existence is, which beings are worthy of worship, and of what kind. “Self-reliant piety,” in short, insists “that it is our own respon-
sibility to imagine the sources on which we depend and to fashion lives worthy of our best imaginings” (37). Piety has come of age; it has become democratic.

But is it still authentically Christian? It isn’t, as Stout’s brief but revealing treatment of Catholicism indicates. Noting with approval that Whitman’s prediction—“There will soon be no more priests”—has largely come true, Stout contends that although the office of priesthood persists, it has lost its authoritative status. While priests remain “important” to the life of the parish, “their parishioners no longer defer the imaginative work of piety to them.” Both pastor and congregation know this. Only a reactionary Vatican opposes it, but its resistance is unavailing since “the feudal patterns of deference to ecclesial authority will not soon return” (31).

If Stout’s democratization of religious authority simply entailed a rejection of clericalism and lay passivity, that would be one thing, but it signifies much more. What Stout quickly dismisses as an anachronism is arguably at the heart of Catholic ecclesiology. As Yves Congar explains, “The hierarchy, following the apostles, have received the mandate, authority, and corresponding power to keep the apostolic deposit and Gospel, and to explain them authentically.” From a Catholic perspective, this distinctive commission can only be understood adequately with the eyes of faith since the prerogatives of the magisterium reflect a divinely given charism.

That Stout gives this position little credence is not surprising, given his epistemological assumptions. These become clear in his discussion of piety. Piety, for Stout, is a work of the subjective, immanent, and eminently fallible imagination. Hence his insistence that “if we are honest, we will admit that the margin of error in religious matters encompasses very nearly the entire subject. In religious pursuits, we all seem to be groping in the dark” (32). Stout is a religious skeptic and a pragmatist. Little wonder, then, that his consideration of Catholicism is constrained by political and sociological categories. His analysis overlooks entirely the theological substance behind ecclesial authority and reduces it crudely to power rela-
tions; thus his praise of those Catholics, such as Rosemary Radford Ruether, “openly fighting” to democratize the Church (11).

Given Stout’s reductive standard for judging religious traditions, it is evident that his critique applies to more than Catholicism. Irrespective of church polity, any Christian body that recognizes Scripture, the ecumenical councils, classical Christian ethics, and other sources as authoritative will ultimately run afoul of what he considers the discursive demands of the democratic ethos. Why? Because for Stout the “self-reliant democratic individual” is finally sovereign. It is doubtful whether any Christian community could preserve its integrity on these terms. With scarcely any acknowledgment that political and theological matters differ in kind, Stout applies the modus operandi of democratic politics to the Church. Beyond doctrinal formulation by plebiscite, the logic of Stout’s argument leads to an even more radical conclusion. With tradition divested of its proper weight, the individual is given final discretion to determine who God is and what is his due. As Stout forthrightly proposes, “In cultivating their own piety, citizens will take sustenance from whatever traditional stories, exemplary lives, communal structures, poetic images, and critical arguments prove valuable. It is up to them to make something of their inheritance and to discard those of its parts that insult the soul” (40). The basic individualism of Stout’s account, as well as its centrifugal implications for the Christian community, are unmistakable: the evaluation of the tradition is done by each one of us, “employing one’s own standards of worth” (31).

IV. Tradition Rightly Conceived

Christians are well-advised to reject Stout’s invitation to join the democratic tradition, to cultivate its ethos, and celebrate its highest character type: the self-reliant individual. Why? Because, despite his objections to the contrary, it is corrosive of genuine tradition, will lead to social atomization, and ultimately, and ironically, undermines the very foundations of democratic politics.
What is genuine tradition, then? It is a far cry from Stout’s depiction. Tradition, or more specifically, the Catholic tradition—since it is this article’s primary referent and an explicit object of Stout’s criticism—rightly conceived is not blind deference to old customs imposed from above through a rigid hierarchy. Rather, it is God’s living, dynamic, and progressive means of bestowing a gift: salvation. And salvation—through the birth, death, and resurrection of Christ—is not concocted by the individual imagination, constructing its own vision of “the sources of our existence and progress through life.” Instead, the sacred mysteries of the faith were precisely revealed—and in a particular way: in and through the Church. Hence, the mode of Christian discipleship is at its heart communal and receptive. We receive God’s definitive self-disclosure in Christ socially, beginning with the authoritative witness of the apostles. We are participants in, not the architects of, salvation history. Our holy books and sacred rites have been given to us, not constructed by us. And every element of the tradition we have received leads us into a realm of mystery that transcends discursive rationality.

But does discipleship so understood entail self-abnegation, a blind veneration for custom, and a servile deference to the dead hand of the past? By no means. In the first place, the whole economy of salvation is directed to the ennobling of the individual. As Pope John Paul II attests in *Evangelium Vitae*, every human person has a “supernatural vocation” to share “the very life of God.” The tradition is understood as an indispensable means—through word, sacrament, and instruction—of proclaiming this Good News and effecting that which is proclaimed. Moreover, the workings of tradition over time precisely illumine rather than obscure the intellect. As Blondel explains,

Tradition brings to the surface of consciousness elements previously imprisoned in the depths of the faith and of its practice, rather than expressed, expounded and reasoned. So this conservative and protective force is also instructive
and progressive. Looking lovingly towards the past, where its treasure is enshrined, tradition advances towards the future, where its victory and glory lie. Even in its discoveries it has the humble feeling of faithfully regaining what it possesses already. It has no need of innovation since it possesses its God and its all: but its constant task is to provide us with fresh teaching, because it transforms something lived implicitly into something known explicitly.

In this vein, the development within the Catholic tradition of the “theology of the body,” for instance, differs profoundly from the revisionist sexual ethics of Andrew Sullivan or Mark Jordan so admired by Stout. The latter is rightly characterized as the work of the self-reliant individual, whereas the former is an expression of a progressive tradition, articulating in a fresh way the richness that had been implicit in its anthropology from the start.

Since orthodox Christians have a radically different understanding of tradition than Jeffrey Stout, they cannot accept the terms upon which he invites them into the democratic discourse. They might also note that Stout’s position, in fact, leads to the very fragmentation he attempts to avoid. His “tradition” cannot unify because it is ultimately premised upon skepticism and denies the kind of authority that alone forges the solidarity and continuity of a people. His position leads by a short route to individualism.

This is not surprising. The ramifications of liberal democratic equality were astutely observed by Tocqueville at the very time Emerson was inveighing against Christian orthodoxy. Before the republic was yet fifty years old, Tocqueville highlighted the ambiguous character of its egalitarian achievement. While Americans boasted of their democratic equality, free markets, and social mobility, Tocqueville perceived a less wholesome effect. Without strong ties to place, class, and family name, Americans were becoming an ahistorical people, forgetful of the past, heedless of the future. Commenting on our preoccupation with the present, he reflected that “the
woof of time is every instant broken [here] and the track of generations effaced. Those who went before are soon forgotten; of those who will come after, no one has any idea: the interest of the man is confined to those in close propinquity to himself.” And the parameters of such propinquity, he further observed, naturally shrink over time, ending in the individualism that was for Tocqueville the congenital weakness of democratic society.

The atomizing effects of this dynamic registered not only in the social and economic spheres, but also in the intellectual. Democratic equality fostered a certain antitraditional habit of mind, evident in Stout’s highest character type. “The nearer the people are drawn to the common level of an equal and similar condition,” Tocqueville noted, “the less prone does each man become to place implicit faith in a certain man or certain class of men.” Yet, Tocqueville observed a corollary to this freedom from tradition arguing that, while the American fancies himself independent, “his readiness to believe the multitude increases, and opinion is more than ever mistress of the world.” Underscoring the double-edged character of the egalitarian ethos, he cautioned that the very equality that “renders [the American] independent of each of his fellow citizens, taken severally, exposes him alone and unprotected to the influence of the greater number.”

What was true in 1831 remains so. The American mind jealously guards its freedom from traditional authorities, yet reflexively defers to majority opinion; it is, at once, independent and submissive. The same soil produced Thomas Paine and George Gallup, after all, and not accidentally. A hearty resistance to received ideas coupled with an easy acquiescence to current opinion seems a hallmark of our disposition. Thus, ironically, the very self-reliance celebrated by Stout arguably leads in the end to a stultifying conformity. Without the ballast of an authoritative tradition, the individual mind is uniquely susceptible to the tides of intellectual fashion.
V. A More Adequate Foundation for Democratic Practice

This is not the only problem with self-reliance so conceived. It also undermines Stout’s first principles of democratic practice: equal voice and equal consideration. Since the individual finally determines the ultimate foundations as well as the purpose of human life, his own vision—however idiosyncratic—rules the day. But there is no guarantee that his conception of these things will support liberal democracy or the egalitarian respect upon which it is premised. History, in fact, suggests otherwise. Thus a more substantial foundation for democratic politics is required, one that recognizes the objective dignity of both the individual and structures of authority. Catholic political theology provides resources for this task.

The work of twentieth-century philosopher Yves R. Simon is one. A Thomist, Simon grounds his democratic theory in a Christian anthropology in which human dignity arises from the *imago Dei* and achieves its full expression in the cultivation of the spiritual, intellectual, and moral virtues. Thus, the ends of human life are a gift, not an artifact. They are not the object of deliberation properly speaking—though the means to their achievement often are. In contrast to Stout’s pragmatism, according to which normative commitments are “constantly in dispute, subject to revision, and not fully determinate” (5), Simon would argue that democratic deliberation over means must rely upon norms pertaining to the dignity of the human person developed and safeguarded by the Church. Politics is an enterprise that attempts to discover the best means to realize that dignity.

Authority and Autonomy Rightly Understood

Intrinsic to the political enterprise for Simon is a delicate balance between authority and autonomy. The relationship between them is complex but not intrinsically tense. Behind Stout’s and the pragmatists’ treatment of authority lies a suspicion that the two are antinomic. As his praise of those dissenting from Church teachings
indicates, Stout suspects that authority threatens liberty; authority is associated with coercion and liberty with spontaneity and choice. Social progress, then, seems to demand an increase in liberty and a proportionate decrease of authority.

Simon contests such an understanding. Considered essentially, he insists liberty and authority enjoy a complementary, not conflictive, relationship. Borrowing from Maritain, Simon argues that liberty or freedom admits of two kinds, initial and terminal liberty. Initial liberty consists in the sheer power of choice—of good or evil—that flows directly from man’s rational nature. As such, it is a mixed perfection. Terminal liberty, an absolute perfection, consists in the power of choosing the good alone, the freedom “to do what I please for the sake of the law, for the sake of the good, and for the sake of God.” Autonomy properly understood, namely, self-direction to a proper end, exhibits this second kind of freedom.

Simon defines authority as “an active power, residing in a person and exercised through a command, that is through a practical judgment to be taken as a rule of conduct by the free-will of another person.” It has both substitutional and essential functions. The former, which stem from human deficiencies, commonly appear to be authority’s only functions; hence the apparent tension between authority and liberty. “It is quite clear,” Simon remarks, “that the substitutional function of authority conflicts with the claim for liberty.” Authority exercises a substitutional or paternal function when it makes decisions for agents who cannot act well for themselves, whether due to normal deficiency, say, in the case of children, or accidental deficiency, say, in the case of a retarded adult. Because it stems from a lack of perfection, paternal authority is “provisional and pedagogical in character.” Whenever possible, it aims at its own disappearance and the autonomy of its charge, whether an individual or group. The tension between substitutional authority and liberty, then, is not insoluble.

Authority’s essential function, by contrast, originates not in deficiency but in plenitude. To understand this claim one must un-
derstand the positive character Simon attributes to human society. Simon agrees with social contract theorists and others in the liberal tradition that society secures individual material goods, but he denies that it is primarily a vehicle for such satisfaction. Rather, he contends that men form civil societies more importantly for moral, intellectual, and spiritual needs. Emphasizing the “power and social significance of other-centered needs,” Simon argues that men need to give as much as to receive. Society thus serves both the preservation of men physically and the development of their distinctively human capacities: the cultivation of moral and intellectual virtue. And the object of political activity is greater than individual preservation. It is, rather, the common good, “the perfection, the good, of the whole as such, the perfect cooperation of men in their corporate life and in their collective action.”

In Simon’s account, society requires authority to achieve this good, a good commonly desired and commonly achieved. The common action of a community presupposes that each of its members follows a common rule of action, “This is to be done.” How does a community reach a common rule of action? To approach this question, Simon posits a community of ideally enlightened and virtuous people. If the means to achieve a common good were univocal, then one would expect unanimity as to the right practical judgment; ideally virtuous people would share an affective inclination to what the common good demanded. Unanimity would insure unity of action.

Unanimity is a precarious principle for common action, however. On the negative side, Simon observes that any given city suffers from scores of evils and deficiencies in enlightenment and good will. Thus even on occasions when the means to the common good are singular, unanimity by dint of common inclination is uncertain. A positive reason renders unanimity an even more improbable occurrence. According to Simon, there is often more than one way to reach a given end. In such circumstances, unanimous agreement is simply fortuitous. Another steadier principle of common action is needed. Authority fills this role. Indeed, for Simon, authority’s es-
essential function rests in causing united action when there are plural means to a common end.

The fact that there is often such a plurality of means reflects the richness of creation and the status of man as an agent. As he observes, “The more a being is elevated in the ontological hierarchy, the more it is self-sufficient, and independent of the particular means in the achievement of its perfection.” Simon argues further that the more perfectly man conforms to his ontological status as a free, creative actor, the greater the plurality of means open to him. Enlightenment, he contends, increases our amplitude of choice. It rules out illusory means and multiplies genuine ones. Thus, contrary to the thrust of Stout’s argument, the need for authority increases proportionate to our development, a testimony to the origin of authority’s essential function in plenitude and achievement, not deficiency and weakness; “it is, like nature and society, unqualifiedly good.”

After distinguishing the essential from the substitutional function of authority, Simon identifies a “most essential” function of authority: “the issuance and carrying out of rules expressing the requirements of the common good considered materially.” Authority’s function in selecting the means to a common end remains secondary to this more essential role of willing the common good formally and materially, which means that political authority, or what Simon calls “a public reason and a public will,” actually determines the requirements of the common good, communicates these requirements to the community, and coordinates the activities of functional groupings and persons so as to effect the common good.

For Simon, the promotion of the common good requires respect for the individual and his or her associations, each of which possesses a distinctive excellence, the excellence of autonomy. In a line of argument that would find some resonance with Stout’s commitments, Simon insists that subjects in a community—whether they be individuals, families, townships, cities, or states within a nation—enjoy independence in attending to particular goods. Even
if they perform the same function, it is better that the function be exercised by a multitude of self-ruling agents than by mere instruments of a centralized power (e.g., though all parents in a neighborhood exercise the same function, namely, child-rearing, it is good that parents exercise autonomy in intending the particular good of their child, exhibiting particularly intense feelings and concern for the child’s welfare). The differentiation of subjects invites plenitude, activity, initiative, difference. “The systematic extinction of qualitative diversity impairs the very kind of plenitude that it is the metaphysical function of the many to achieve.”

Authority’s most essential function, the formal and material volition of the common good, arises precisely because of the goodness of particularity. Once this has been established, it becomes clear that authority and liberty have a complementary rather than conflictive character. “Autonomy renders authority necessary and authority renders autonomy possible.” Without the coordinating function of authority, the autonomy of subjects and the particularity of function would prompt the disintegration of society; without the particular goods yielded by autonomous units and distinct functions, authority would expand its scope improperly, yet would ultimately have little to work with but an enervated, uniform mass. Thus, we return to the question posed above: how should authority and liberty be related? Mindful of the necessarily prudential determinations of the question in practice, Simon nevertheless outlines a principled way by which to conceive of the relationship. Reminiscent of Pope Pius XI’s reflections on subsidiarity, Simon maintains that the principle of authority must be wed to the principle of autonomy. As he explains, “Whenever the welfare of a community requires a common action, the unity of that common action must be assured by the higher organs of that community,” but at the same time, “wherever a task can be satisfactorily achieved by the initiative of the individual or that of small social units, the fulfillment of that task must be left to the initiative of the individual or to that of small social units.”
In response to the common misconception that Thomism sanctions authority but not liberty, Simon asserts that the principle of autonomy is as central as the principle of authority to Thomistic philosophy. Both find deep roots in Thomistic metaphysics. In sharp contrast to those metaphysical and religious systems that deny creaturely freedom in an effort to respect divine sovereignty, Thomistic theology celebrates human freedom in the order of creation; what follows from this is “a philosophy of political liberty that is both very orderly and very radical.” According to St. Thomas Aquinas, God “rules indefectibly a universe full of reality, full of causality, full of life, full of liberty.” God’s rulership is the template of temporal rulership. Thus, for Thomas, “the perfect ruler rules society in the same way that God rules the world: *suaviter et fortiter.* His strength enables him to be mild in his government, to respect and foster multifarious initiatives.” In this regard, Simon notes a possible confluence between Thomas Aquinas and Thomas Jefferson on the nature of government. If Jefferson’s dictum, “The best government is that which governs least,” suggests that government is a necessary evil, to be limited as much as possible, Thomas would disagree. “This would imply a failure to recognize the wholly natural character of political government and its intrinsic goodness.” But if Jefferson meant that the best government performs directly as few tasks as possible, leaving as many tasks as possible to the individual and other social units, then the democratic statesman would find a ready ally in Thomas. Indeed, Simon contends that the harmony between the principles of authority and autonomy central to Thomistic social philosophy finds an admirable instantiation in Jeffersonian politics.

A hierarchical order necessarily results from the unity of the two principles, but this does not mean that the two principles specify a particular form of political arrangement. Simon stresses that the question of political authority is separate from and independent of the question of a distinct governing personnel. Political authority and the hierarchical order it entails are necessary in any commu-
nity, a distinct governing personnel is not. Direct democracy, aristocracy, and monarchy alike evidence political authority, autonomy of subjects, particularity of function, and the hierarchical subordination of particular goods to the common good. The rationale for establishing one political form over another relates to complex historical circumstances, and the selection of political forms remains the work of prudence.  

VI. The Thomist Case for Democracy

One might object at this point that Simon’s recourse to prudence masks the fact that Catholic political thought is antidemocratic—Thomism not excepted. As the twentieth-century history of fascism attests (so the argument goes), the “prudence” of the Catholic will always side with nondemocratic regimes. Simon appreciates the force of this charge and responds to it with a historical explanation and philosophical argument.

Simon admits that historical evidence can suggest an intractable breach between Catholicism and democracy. Papal pronouncements, such as those adverted to by Stout, from the eighteenth to the twentieth centuries appear to censure the democratic movement. Pope Pius VI, Simon reports, condemned the theory of political authority associated with the French Revolution less than six months after the Declaration of the Rights of Man and of the Citizen. Pope Leo XIII in *Diuturnum* (1881) and *Immortale Dei* (1885) and Pope Pius X in his papal letter concerning the *Sillon* (1910) reiterate Pius VI’s disapproval. “On the basis of these documents many hold that the Church has proclaimed the incompatibility of her notion of authority with the very essence of democracy.” But this conclusion misinterprets the facts. Simon points out that the Church’s legitimate misgivings about modern democracy arose with reference to a particular set of historical conditions. The argument started in connection with the French Revolution and the criticism leveled by Pius VI, Leo XIII, and Pius X referred to a specific strand of democratic thought developed
by French thinkers but taken uncritically as the genuine formula of democracy by the entire Latin world.

What distinguishes this variety of democratic thought is its particular treatment of authority and obedience. It attempts to abolish both. As Simon explains, most civil societies are divided into two groups, the governed and the governing personnel, which constitute a great majority and small minority, respectively. The multitude generally obey the few that govern, as if they felt obliged in conscience to do so. But how can one man bind the conscience of another man? “On the one hand, it seems impossible to account for social life without assuming that man can bind the conscience of his neighbor; on the other hand, it is not easy to see how a man can ever enjoy such power.” Some societies ascribed to governors a superhuman character; others claimed for the governor direct divine appointment meriting such obedience. The paradox became especially irksome in the period of crisis leading up to the French Revolution. In response, certain French thinkers developed a theory of democratic government that purported to do away with the authority of the few and obedience of the many.

Following Courier, Simon calls this the “cab-driver theory” of government. A pithy description captures its essence: “In one word the nation would manage the government after the fashion of a cab-driver whom we hire and who is supposed to lead us, not where he wants, nor how he wants, but where we intend to go and by the way that we find convenient.” Men in government are reduced to hired hands, instruments of the governed. They are expected to exercise effective leadership, but it is merely instrumental, fulfilling the commands of the multitude who owe no reciprocal obedience to the governor.

In much the same way that Stout’s self-reliant individual is appealing, so, too, is the cab-driver theory. As Simon records, in the first place, it accommodates a basic human desire to escape the hardships—even humiliations—that obedience involves. The cab-driver theory allows the secret indulgence of anarchistic sentiments
while avoiding the dangers of genuine anarchism. In Maritain’s words, it is a theory of “masked anarchy.” Second, Simon maintains that the cab-driver theory offers a facile explanation of democratic practices. It exploits an apparent similarity between elected representatives and the administrators employed in a system of direct democracy. In a direct democracy the whole citizenry acts as legislative assembly and appoints personnel to attend to public affairs according as the legislature demands; they are instruments, with no right except to carry out the popular will. According to the cab-driver theory, when circumstances require the use of distinct governing personnel, appearances change but the essential relations remain. The principles at work in the electoral process, coupled with the role of public opinion in democracy, imply that a governor, like a hired functionary, takes orders from the electorate and will be judged on the basis of how effectively he carried them out. Finally, the instrumental theory of government plays upon the great good of civil society but subtly distorts its foundation. Simon appeals to Thomas to explain this distortion. In Thomas’s exposition of regimes, he distinguishes between a dominion of servitude and a dominion of freedom, characterized by differences in finality. In the former, power is exercised for the sake of the power holder, in the latter, for the sake of the governed. A master-slave relationship typifies a dominion of servitude, while civil society exemplifies a dominion of freedom. Thomas points out an additional difference between the two forms of dominion. In the latter, unlike the former, there is no unqualified coincidence of power and final causality. Power, or authority, does not always reside in the governed, although it is always exercised for the sake of the governed. Cab-driver theories of government miss this critical distinction and strip political leadership of genuine authority.

To Simon, the historical impetus behind this third fallacy of French democratic thought is unmistakable. Having revolted against a monarchy that perverted civil society into a dominion of servitude, the new republic sought to abolish any feature reminiscent of
the master and servant relationship. The republicans perceived the authority of government as one such feature and proceeded to arrogate to the governed all political authority. Thus, to the principle that the purpose of government is the welfare of the governed was added the dogma that the government is the will of the governed. To guard against the least resurgence of the ancien regime and to ensure that government would consistently act as a dominion of freedom, the revolutionary people adopted the distorted view that “the governed are subjected to no authority and obey only their own will.”

If the cab-driver or instrumental theory of government captured the essence of democracy, then Catholic doctrine and democracy would fundamentally conflict. But, Simon insists, it does not and they do not. Indeed, he adds, it was only in opposition to this strain of democratic thought, not to democracy per se, that papal teaching was formulated. What the Church found odious about the political theory of the French Revolution was its conception of the origin and meaning of temporal authority, not its defense of limited government and democratic procedures.

Political authority in Catholic thought is a divine ordination, integral to the order of creation. Neither the governed nor the governor creates it. God alone is the source of all authority. Insofar as he created man social and political, designed for common action toward a common end, he created political authority—for common action, as argued above, requires it. And insofar as God created political authority, he bound man to obey another man. Such obedience is not illusory, but real. Hence, the Catholic understanding of authority, according to Simon, differs from the instrumental view both with respect to its source and character. Recall again the cab-driver dogma: “The governed are subjected to no authority and obey only their own will.” For Simon it is critical to note that the error in this formulation is not that the governed reject a distinct governing personnel; the cab-driver theory does not require direct democracy. Rather, the error refers to its conception of authority and obedience.
The cab-driver theory vitiates authentic authority and obedience by making the consent of the individual the ultimate standard of political legitimacy. It suggests to the governed that he is not bound by the decisions of political authority, whether it be the majority vote of direct democracy or the consensus of a legislature. In effect, the instrumental theory of government sanctions rebellion.39

At this stage of the argument, an American pragmatist might object that Simon has thus far established only a very modest point: Catholic political thought does not entail a blanket condemnation of democracy. Such a claim offers little consolation to an observer who suspects that in the main Catholic thinking is antidemocratic. Is there any substantive evidence to suggest that the Catholic tradition—and political Thomism in particular—is congenial to democracy?40

Simon argues that there are significant resources in the Thomistic political tradition to support democratic government, but it is a tradition whose basic premises run counter to the religious skepticism and antihierarchical assumptions embraced by Stout. The differences between a Catholic account of democracy and that found in American pragmatism are considerable. In his sketch of the former, Simon grounds his specific argument for democracy in what he calls a “transmission theory of government.” In contrast to the instrumental theory of government, the transmission theory holds that the first bearer of civil authority is the people as a whole. God grants political authority directly to the people who can, in turn, transmit their God-given authority to a governing personnel, which then enjoys genuine power and legitimately commands the obedience of the governed. Simon finds the initial locus of this position in Thomas. Although Thomas does not elaborate a democratic theory, Simon maintains that the *Treatise on Law* contains the basic elements of the transmission theory of political authority. Here Thomas states that “to order anything to the common good belongs either to the whole people or to someone who is the vicegerent of the whole people. Hence the making of a law belongs either to the whole people or to a public personage who has care of the whole people.”41
Add to this passage Thomas’s reflections on the force of custom and one has, Simon concludes, a theory that power belongs primarily to the people, who can use it to govern themselves, and that if and when power lies in the hands of a distinct person or group, he or they have the character of “substitutes for the people.” Lest one suspect that Thomas has articulated an instrumental theory of representation, Simon hastens to add that his general views on obedience and authority rule it out.

The great Scholastic commentators expand upon Thomas’s ideas on the origin of political authority. Cajetan, for instance, distinguishes civil power from papal power and argues that the Church enjoys a power of mere designation with respect to the papacy. The authority of the pope resides in the papal office by the direct gift of God; it is not transmitted to the office or the man by the Church. Rather, the Church simply designates which particular person will assume the office. “The papal power is above nature, and by divine law resides in one person.” In contrast to civil power, “it does not reside, first, in a community.” Expanding upon this difference, Cajetan affirms, “the royal power, by natural law, resides primarily in the people, and from the people is transferred to the king.”

Three generations later, Bellarmine developed the subject of the sovereignty further. Upon arguing that political power is a necessary good upheld by Scripture, Bellarmine explains the origin of political authority. “Political power,” he declares, “considered in its universal essence . . . proceeds immediately from God alone, for it follows necessarily upon the nature of man; consequently it proceeds from the one who made man’s nature.” This addresses the origin of political power: God is the giver. But to whom is it given? Bellarmine answers, “This power has for its immediate subject the whole multitude. Indeed, this power is of divine right; but divine right did not give it to any particular man; therefore it gave it to the multitude.” Circumstances warranting, the multitude can by consent “establish above itself a king or consuls or other magistrates,” who by transmission enjoy a “natural and divine right” of rulership.
Suarez elaborates upon Bellarmine and, according to Simon, presents the most systematic discussion of the question in his arguments against the divine right of kings. Political power, for Suarez, is immediately from God since “those things which follow upon a nature are given immediately by the proper and immediate author of this nature. . . . Now, this power is a property following upon human nature, as cause of the gathering of men into a political body; therefore, it is given immediately by God as author and manager of this nature.” As Simon underscores, Suarez perceives no intermediary between God and the body politic. The very naturalness of political power attests to the fact that it resides in the first place not in any particular person or group of persons, but in the community as a whole. “By the nature of things,” Suarez declares, “this power resides only in the community.” Reason itself discerns the sovereignty of the people. “The natural reason cannot conceive of any cause by which political power would be determinately placed in one person, or in a definite group of persons within the community, rather than in another person or group of persons.” King James’s arguments notwithstanding, “in so far as it is procured by nature, political power does not reside immediately in any subject except the community itself.”

Suarez’s arguments, according to Simon, elevate democracy as a “natural institution.” Among the forms of government it alone can exist without any “positive disposition.” In Suarez’s words, “The perfect civil community is free by law of nature and it is not subjected to any man external to itself; considered as a whole, it has power over itself, and, if no change takes place, this power will be democracy.” Simon cautions, however, that for Suarez and the other Thomists, the natural law does not demand that the multitude retain rather than transmit the civil power. At least in principle, circumstances may warrant the establishment of a representative democracy, an aristocracy of some kind, or a monarchy. A positive disposition of political authority remains a prudential matter.

Simon acknowledges that circumstances will likely entail the appointment of distinct governing personnel. In this connection, he ar-
gues that a strong natural law argument exists for representative democracy over other forms. Borrowing Thomas’s distinction between political and despotic regimes, Simon argues that the transmission theory of government implies a political regime, for the transmission theory holds that the people perpetually retain a power greater than that of the governing personnel: the latter can be stripped of their power in the case of misrule; the people can never ultimately be stripped of the power that belongs to them by nature. A representative democracy for Simon actualizes most effectively the political nature of a regime since the governed have the institutional means of resistance to bad government readily at their disposal in the electoral process. It is right, he adds, that democratic means be available to all; popular sovereignty and representative government imply a natural tendency toward universal suffrage. “That the multitude in charge of selecting the governing personnel should comprise all citizens follows from the nature of political society. Other societies are built on the basis of exclusive membership; not so the state, which is, by essence, the concern of all.” The people ought to retain this power not only as a guard against tyranny—a good pragmatic measure—they ought to remain actively engaged in political decision making at various levels of government in accord with the principle of autonomy, because this is what human flourishing requires.

According to Simon, human flourishing also requires various civil freedoms that are fully compatible with a theory of democracy based on natural law. Sharing the pragmatist tradition’s concern over the premature suppression of vitality, Simon affirms that government based upon popular deliberation demands freedom of religion, of expression, of the press, and of association, so as to promote open discussion of the means to the common good. Democratic government rightly conceived, then, is based upon an objective social ontology that upholds both autonomy and authority in the service of human excellence.
VII. Conclusion

Simon thus proposes a defense of democracy with sufficient breadth to accommodate several legitimate concerns of American pragmatists and sufficient depth to invite endorsement from religious believers who insist that democratic foundations spring from moral and theological realism. While orthodox Christians, on account of their understanding of tradition, epistemology, and what Stout calls the “sources of their existence and progress through life,” cannot celebrate the democratic project and ethos Stout proposes, they need not reject democracy per se. Instead, when surveying alternative democratic theories, they need simply apply the following baseline principle: an adequate conception of democratic politics must have as its polestar the telos of human life that is not constructed but received and is most fully revealed in the Christian imagination working from the heart of the Church. The work of Yves Simon well fits this description.

Notes

9. Ibid., 10.


13. Simon, *General Theory of Authority*, 134. While authority functions most naturally in the practical sphere, issuing rules of action, Simon maintains that it exercises an important role in theoretical matters as well. When authority does make theoretical judgments, they are substitutional, for the object of theoretical inquiry should determine every judgment. Various intellectual deficiencies require the operation of authority, however. Simon cites scientific pedagogy and religious instruction as two pertinent cases. In the former, the student relies on the authority of the master until he comes to perceive the evidence of his demonstrations. Similarly, Christian believers rely on the authority of God and the Church regarding truths unseen. Until the beatific vision, “Christian faith merely substitutes, provisionally, for clear knowledge” (161).

14. In Simon’s estimation, the abuse of paternal authority accounts for much of the bad reputation authority currently suffers. European colonial powers, for instance, purported to exercise paternal authority over subject peoples in Africa and Asia, but two facts belied this claim. One, the subject peoples had no natural connection to the colonizers. With respect to this fact Simon notes, “Plainly, there is no ground for the paternal authority of one community over another unless the latter is contained in the former as a child in his family” (*Philosophy of Democratic Government* [Chicago: University of Chicago Press, 1951] 1977], 12). Two, the colonizers did not direct their governance for the benefit and ultimate autonomy of the colonized. Thus, it cannot be said that genuine paternal authority was exercised.


> With regard to facts and to essences as well, the faculty of choosing, at will, between assent and dissent is not an advantage but expresses an entirely negative state of affairs. Accordingly, the understanding of cognition results in a pattern where perfection strictly coincides with uniqueness. But appetite is, in a way, the opposite of cognition, for, whereas the known is attracted into the knower, the lover is attracted toward the beloved, and whereas the true exists in the mind, the good exists in things. This basic contrast [Simon insists] reverses the
meaning of uniqueness, plurality and indifference, when inquiry moves from
cognition to appetition. A plurality of possible assents with regard to one and
the same subject evidences failure to attain truth with certainty; the indifference
of the uncertain mind is made of inachievement, indetermination, potentiality,
passivity. On the contrary, a plurality of means with regard to one and the same
end evidences mastery, domination, actuality, activity, superdetermination.

(*General Theory of Authority, 46–47*)

21. Ibid., 53.
22. Simon, following St. Thomas, underscores that authority, autonomy of subject, and
particularity of function belong to the created order; none is consequent upon sin.
Autonomy of subject relates to man’s stature as a being privileged to enjoy second-
calary causality in a rational mode. Particularity of function relates to the diversity of
talents and intellectual gifts accorded by nature. Simon cites Thomas’s *De Regimine
Principum* at length with respect to the naturalness of authority:

> It is natural for man to be a social and political animal, to live in a group . . . If, therefore, it is natural for man to live in the society of many, it is necessary that there exist among men some means by which the group may be governed. For where there are many men together, and each one is looking after his own interest, the group would be broken up and scattered unless there were also someone to take care of what appertains to the common weal. (*Nature and Func-
tions of Authority, 65, n. 8*)

24. Simon, *Nature and Functions of Authority*, 47. Simon adverts to the similarity between
his principle of autonomy and the principle of subsidiarity affirmed by Leo XIII’s
*Rerum Novarum*, which declared, “Let the State watch over these societies of citizens
united together in the exercise of their right; but let it not thrust itself into their
peculiar concerns and their organization, for things move and live by the soul within
them, and they may be killed by the grasp of a hand from without” (*Philosophy of
Democratic Government*, 130, n. 23).
26. Ibid., 264.
27. Ibid.
28. Simon cites Jefferson so enthusiastically (and more than once) that the passage bears
quotation. Simon commends to the reader an image of “social happiness, made up
of authority, autonomy and hierarchy” found in Jefferson’s autobiography:

> It is not by the consolidation, or concentration of powers, but by their distribution, that good government is effected. Were not this great country already divided into States, that division must be made, that each might do for itself what concerns itself directly, and what it can do so much better than a distant
authority. Every state again is divided into counties, each to take care of what lies within its local bounds: each county again into townships or wards, to manage minute details; and every ward into farms, to be governed by its individual proprietor. Were we directed from Washington when to sow, and when to reap, we should soon want bread. It is by this partition of cares, descending in gradation from general to particular, that the mass of human affairs may be best managed, for the good and prosperity of all. (Thomas Jefferson, *The Writings of Thomas Jefferson*, 9 vols. [Washington DC: Taylor and Maury, 1853] 1:82, quoted in *Nature and Functions of Authority*, 48; *General Theory of Authority*, 138. See also *Philosophy of Democratic Government*, 260).

29. Political prudence, or practical wisdom with respect to political things, retains the fundamental characteristics of prudence. It is neither a science nor an art, but rather the determination of right human use of faculties and things. As such, political prudence cannot be reduced to a technique of social science or elevated to the status of moral science. It is “no less dependent upon the obscure forces of the appetite than prudence in the government of individual life” (*General Theory of Authority*, 37).


32. Simon ascribes the name of the theory to a French liberal, Paul-Louis Courier (1773–1825), whom he describes as “a humanist, a fine Greek scholar, a skillful writer of light prose, a Voltairean, a rebel, an uncompromising adversary of Church and state (though not an anarchist), [and] an unflinching and vainglorious defender of the little man against men of wealth and men of authority” (“The Doctrinal Issue,” 91). Simon also dubs this theory the “instrumental theory of government” (92).


37. To support this claim Simon adduces textual evidence from Leo XIII’s *Immortale Dei* and *Diuturnum*. From the former he quotes,

Man’s natural instinct moves him to live in civil society, for he cannot, if dwelling apart, provide himself with the necessary requirements of life, nor procure the means of developing his mental and moral faculties. . . . But as no society can hold together unless some one be over all, directing all to strive earnestly for the common good; every civilized community must have a ruling authority, and this authority, no less than society itself, has its source in nature, and has, consequently, God for its author. For God alone is the true and supreme Lord. (“The Doctrinal Issue,” 102)
From the latter, he quotes, “God has willed that in a civil society there should be some to rule the multitude. . . . But no man has in himself or of himself the power of constraining the free will of others by fetters of authority of this kind. This power resides solely in God, the Creator and Legislator of all things: and it is necessary that those who exercise it should do it as having received it from God” (Philosophy of Democratic Government, 154, n. 3).


Simon illustrates the point with an example that usefully distinguishes the question of authority and obedience from that of the form of government. According to the instrumental theory of government, each individual though associated in civil society obeys only himself. This claim might appear unobjectionable if one has in mind direct democracy. Do not the governed retain authority in a direct democracy? Men who issue rules for common action by majority vote appear to obey only themselves. Indeed, this seems to be the case if the vote is unanimous. It seems to remain the case for anyone in the majority. But what about the man in the minority? Does he still obey only himself? Surely not, for he voted against the measure. If he refuses to obey the law, he is in fact rebelling against political authority, the authority that resides in the general assembly of a direct democracy. The cab-driver theory of government offers no principled account of why he should submit to an authority he of late does not recognize. If the cab-driver theory of government were ever accepted with consistency, Simon concludes, “society would soon be destroyed by secession” (Philosophy of Democratic Government, 151–53).

A sensitive observer might point out that an appeal to Leo XIII’s Diuturnum (“God has willed that in a civil society there should be some to rule the multitude”) hardly builds the case for Catholic democracy, as it seems to rule out the divine ordination of direct democracy, the paradigm of all democracy.


In Summa Theologica, I-II, 97, 3, ad 3, Thomas affirms, “If they are free, and able to make their own laws, the consent of the whole people expressed by a custom counts far more in favor of a particular observance than does the authority of the sovereign, who has not the power to frame laws, except as representing the people. Therefore, although each individual cannot make laws, yet the whole people can.”


Bellarmine, Controversiarum de membris ecclesiae, lib. III: De laicis sive secularibus, chap. 6 (Opera [Paris: Vivès, 1870], 3:10–12) quoted in Simon, Philosophy of Democratic Government, 166–67. Simon clarifies that Bellarmine uses the term “divine right” (jus divinum) to connote the authenticity of transmitted power that God communicates initially to the multitude. It should not be interpreted in the sense of seventeenth-century theories of kingship.
45. Simon notes that Suarez distinguishes two ways in which God can immediately confer a power: either by a positive disposition voluntarily added directly to a nature or a person (e.g., the Petrine authority) or by the natural necessity of a power consequent to the very nature of a thing he has authored. Political power is of this second type.

46. Suarez, Opera, 21 (Venetiis, 1749), 114 ff.


48. Though he praises the electoral process, Simon voices serious reservations about its potential abuse. He severely criticizes those who manipulate the electoral process in an attempt to reduce it to an instrument of personal interest. To respect the genuine authority of elective government entails a code of civic behavior on the part of the electorate.

   Practices calculated to assure the influence of the people on the policies of actually elected assemblies and executive agencies are ambiguous and risky, which does not mean that they are not necessary and important, [but, Simon warns,] if such expressions of opinion are calculated to deprive the men in power of the right to command, of their duty to have a judgment of their own, of their conscience; if such practices are calculated to change, through threat and bribe, into mere secretaries or managers or messengers or mandate-holders or coach-drivers, men who know that they are under obligation to exercise authority, to have a prudence of their own and to make use of it . . . such practices mean rebellion and treachery established at the core of political life. (Philosophy of Democratic Government, 187)


50. Ibid., 87.