1974

An Ethical Interpretation of Democracy.

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AN ETHICAL INTERPRETATION OF DEMOCRACY.

The Louisiana State University and Agricultural
and Mechanical College, Ph.D., 1974
Political Science, general

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AN ETHICAL INTERPRETATION OF DEMOCRACY

A DISSERTATION

Submitted to the Graduate Faculty of the
Louisiana State University and
Agricultural and Mechanical College
in partial fulfillment of the
requirements for the degree of
Doctor of Philosophy

in

The Department of Political Science

by

Claes G. Ryn
Fil.kand., Uppsala University, 1967
December, 1974
ACKNOWLEDGEMENTS

I wish to express my sincere appreciation to the members of my Doctoral Committee, Dr. René de Visme Williamson, Dr. Cecil Eubanks, Dr. Paul Grosser, Dr. Peter Zwick, and Dr. Charles Bigger. Through their many valuable criticisms and suggestions they have greatly improved the quality of this dissertation. Although some of them have disagreed with some of my premises, and perhaps even felt a certain incredulity at times, they have shown me every kindness and consideration. I am especially grateful to the Committee Chairman, Professor Williamson, who has given so generously of his time and wisdom and personal warmth. I am forever in his debt for guidance, encouragement, and companionship. To Dr. Folke Leander, a great teacher and philosopher and also my friend, go my deep-felt thanks for innumerable contributions to my intellectual development and to the clarification of philosophical problems which figure prominently in this dissertation. Dr. Evert Vedung read parts of the manuscript and offered helpful comments, for which I am grateful.

For the shortcomings of the dissertation I alone must bear the blame.

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There is no way that I could adequately express my deep gratitude to Louisiana State University and its Department of Political Science for extending to me, a foreign national, the outstanding privilege of three years of financially supported education and research.

I thank my wife, Marianne. Her loving support and personal sacrifice have meant everything.

Baton Rouge
August 1974
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VITA
AN ETHICAL INTERPRETATION OF DEMOCRACY

ABSTRACT

Viewing democracy in the light of an ethico-philosophical understanding of human nature and politics, this study develops a theory of how popular government can be made compatible with the needs of the ethical life. The hypothesis is that constitutional democracy, as distinguished from plebiscitary democracy, is potentially supportive of man's moral destiny.

A "procedural" definition of popular rule is rejected, because it evades the fundamental moral question. Criticism is also directed against an exclusive reliance on "empirical" evidence in the study of politics. An approach is adopted which recognizes politics as essentially a form of symbolical and spiritual activity calling for methods of explanation quite different from those employed in the natural sciences.

An ethical philosophy is developed which draws heavily on Plato and Aristotle, Irving Babbitt and Paul Elmer More. The notion of plebiscitary democracy is examined through an analysis of Jean-Jacques Rousseau's idea of the general will. The American Constitution is used to illustrate the concept of constitutional democracy. The content and conclusions of the dissertation may be summarized as follows.
Ethical conscience can be defined as consciousness of the Good. It is never identical to particular inclinations to act, but orders them from without. Human life is a dual awareness of imperfection and transcendent perfection. To the extent that men affirm the latter by disciplining their impulsive life, they build into their characters a certain meaningful purpose attended by happiness, in Aristotle's sense. To the same extent, they become capable of community with others. The realization of this supreme value is dependent on assimilation and creative development of cultural tradition.

Rousseau bans constitutional restrictions on the majority of the moment. Basing his theory of democracy on a belief in the goodness of human nature, he envisions identity between morality and politics. It can be achieved through a social contract. But he confuses the ethical with uninhibited spontaneity, a mistake which translates into a belief in the goodness of the uninhibited popular majority. Rousseau's conception of democracy ignores the unavoidable presence in human life of non-moral motives. An attempt to put his teaching into effect would reveal the general will as something rather different from what he imagines.
An ethically acceptable theory of democracy must concern itself with the principle of moral restraint. To give the popular majority complete freedom would be to maximize the danger of blatantly partisan politics. This danger can be reduced through a system of constitutional checks which requires something approaching a "concurrent majority" before government policy can be set. Such a system makes a consideration of the wishes of other groups advisable for those who want to advance their own cause. A constitution of this type is recommended by enlightened self-interest. Ethical conscience, however, is the self-less concern for the common good of community. Still, its working material is the always imperfect reality of politics. Out of practical necessity it becomes "the spirit of constitutionalism," a morally inspired call for institutional checks. The demands of ethical conscience, as it applies to politics, tend to run parallel to those of enlightened self-interest, but only the former have moral worth.

Plebiscitary democracy is an unrealistic dream, the attempted realization of which would not have the intended result. Only some form of constitutional democracy can be maintained. Constitutional checks on the people and its representatives are a necessary but not sufficient condi-
tion for community. To serve the transcendent moral goal, they must form part of a whole pattern of high spiritual culture.
I. DEMOCRACY AS AN ETHICO-PHILOSOPHICAL PROBLEM

The prevalent tendency among modern theorists of democracy is to define it without reference to a transcendent ethical standard. Democracy is more often treated as a kind of procedural form, neutral in regard to the substance of the popular will. It is viewed as a "method" for making public decision, a modus procedendi in Joseph Schumpeter's phrase.\(^1\) This form of government, it is argued, does not imply a presumption in favor of any particular set of values beyond that which is necessarily embodied in those rules and rights which constitute democracy. In fact, democracy is sometimes regarded as the form of government which recognizes the impossibility of demonstrating the inherent superiority of one scale of values over another. This view has been succinctly stated by Hans Kelsen:

He who holds that absolute truth and absolute values are beyond human understanding is forced to look upon a rival alien opinion as possible at the very least. Relativism is therefore the Philosophy (Weltanschauung) which the democratic conception presupposes.

Without passing moral judgment on anyone, except possibly the anti-democrat, democracy provides the framework for the peaceful settlement of disputes.

This type of reasoning about democracy bears a certain logical resemblance and appears intimately related to the view of political theory which Arnold Brecht calls "scientific value relativism." According to that doctrine, which incorporates the attempted dichotomy between "facts" and "values," scientific work is ethically neutral. While it is recognized by those who adopt this view that devotion to science and its methods involves some sort of moral commitment, they deny that science as such has any ultimate moral purpose. It is a way of proceeding, a method of inquiry which may serve men with very different values. Political

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theory proper does not attempt to establish the moral superiority of one scale of values over another, for all scientific claims have to be intelligible to the community of scholars, and we do not have access to an objective, communicable order of values. All we have access to by scientific means, as defined by Brecht, are the subjective preferences of individuals.

The similarities between the doctrine of scientific value relativism and much modern democratic theory are thus apparent. Both attempt to separate method from ultimate end. That is not to say that the analogy between the dominant view of democracy and the mentioned conception of science is complete—it is not—only that there appears to be considerable cross-fertilization. It can be said about both that they exhibit a fundamental ambiguity, growing out of a failure to come to grips with basic problems of ethics. Although most academic defenders of the procedural view of democracy and scientific value relativism admit that they must ultimately justify their preference for democracy and science by falling back on a value judgment, they claim to ascribe to their systems no overriding purpose or predetermined goal. Among the theorists of democracy, this point is emphatically made by Henry B. Mayo:
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; 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. . . .

The difficulty with this statement, and any analogous statement about science, is that we are asked to picture the good democrat as one who places a high value on certain procedural rules which together are supposed to form a democracy, but who does so with no ulterior motive in mind. It is not easy to grasp what meaning there would be in a value judgment which expresses a liking for democratic procedures but does not also imply an endorsement of some ultimate goal, such as the achievement of civilization or happiness. The postulation of the existence of this type of value judgment would seem to involve a distinction between ends and means of very doubtful validity. As is forcefully argued by John Dewey, ends have to be viewed as constituted by the means chosen for their attainment. Conversely, means are a partial fulfillment of ends. "Ends" and "means," in other words, are only two ways of looking at the same process of continuous purposive activity. In Dewey's formulation:

4Mayo, Democratic Theory, p. 277.
"'End' is a name for a series of acts taken collectively. . . .
'Means' is a name for the same series taken distributively. . . ."5 The "methods" of democracy, thus, cannot be distinguished from the consequences, more immediate and expected or distant and unforeseen, which are implied in and promoted by those methods.

How else could democratic rules acquire value for a person than by contributing to what he understands, with or without justification, to be the final value of life? It is of course possible to endorse a certain set of means with only an incomplete or mistaken view of its effects, but to the extent that our choice is not completely irrational, that set of means must be assumed by us to be conducive to the goal which in the end makes life worth living. Mayo admits that democratic procedures promote certain values. By that token, we might add, they also counteract the realization of other values, notably many of those advocated by Communists or Nazis. Can it be argued at the same time that democracy leaves the final goal of life open? Conversely, if it is true that as good democrats we must view the end of life as completely undetermined, by what logic are we favoring certain political arrangements over others?

To argue in response, for instance, that democratic procedures require or imply no ultimate end, but receive the only justification needed from the fact that they give the individual a measure of freedom to pursue his own goals, partly by giving him some control over public policy, is to have missed the point of this argument, which is that "freedom," "control," etc., if they are not to be empty slogans, have to be defined with reference to a value conceived as ultimate. Insofar as the procedural means of democracy are intelligently chosen, that end is implied in, indeed, partially fulfilled by them. Mayo and other theorists with a similar view of democracy are assuming considerably more about the proper goal for man than they are clearly aware of.

Only if we have some idea, however vague or confused, of the intrinsic worth of things, can we maintain the sense of direction and proportion without which existence would become meaningless, all science pointless. Science presupposes not only order in the universe but the value of discovering that order. Instead of facing squarely the possibility that men's ethical concerns, as reflected, for instance, in an affirmation of democratic rights and the pursuit of truth, have a common focus; that there is an awareness of the good for man which transcends the subjective biases of individuals and which can be examined scientif-
ically, the scholar who accepts scientific value relativism establishes residence in a philosophical half-way house. There he can entertain a certain scale of values, and thus give some meaning and coherence to his view of life, without ever having to examine its final tenability, without in a sense ever having to accept responsibility for it. By labeling all statements of "ultimate values" subjective, he ends inquiry into their validity before it has had a chance to begin. And he does not manage to keep science ethically neutral in return, but only makes it easier to introduce value preferences in an uncritical manner.

**Democracy in an ethical perspective**

The word "democracy" is both one of the most used and abused terms in modern Western political discourse. It may be argued that the corresponding theoretical confusion is partly the result of the vast influence of some kind of ethical relativism or nihilism. Having rejected the belief in a definite, enduring purpose for human life, democratic theorists have a difficult time establishing a common point of reference. The doors are open for a raid on the democratic vocabulary. The aim of this study is to contribute to a restoration of theoretical and terminological clarity about democracy by relating it to man's quest for the moral life.
In choosing that approach we join the philosophical tradition founded in the West by Plato and Aristotle. An attempt will be made to develop an ethical interpretation of democracy, that is, one which takes its sense of direction and proportion from an ethico-philosophical understanding of man's nature and destiny, and states the implications of that understanding for popular government. Rather than start with a ready-made definition of democracy and then look for its moral prerequisites, we shall try to decide how popular self-rule needs to be designed in order to support the ethical life. If the demands of ethics are to be taken seriously, this would seem to be putting the horse before the cart.

Ethics will not be regarded as confined to the study of inherently subjective claims about the end of human life. It will be postulated that man is able to go beyond the relative and subjective in morals, and that philosophy can give an account of this process. By ethical conscience will be understood, not some arbitrary, merely private or conventional principle of conduct, but the awareness, stronger in some people than in others, that there is a sacred purpose to human life which transcends the transitory biases of individuals and peoples, and which can be violated only at the price of a loss of meaning and worth. Ethical
conscience is that in man which wills, not the private advan-
tage of individuals or groups as an end in itself, but the
realization of the universal good for man. Ethical philos-
ophy seeks to describe the nature of this ordering principle.
To avoid misunderstanding, it should be said that ethical
philosophy is trying to give ever clearer intellectual
expression to a sense of spiritual direction which in the
end defies all specific formulations. By ethical conscience
we mean a special grasp of reality, dynamically related to,
but transcendent of, ordinary rationality. What is absolute
about man's ethical life, therefore, is not this or that
standard of conduct which he formulates in response to the
ethical demand on him, but the moral obligation itself, the
self-justifying goal which the moral man is always trying to
approach more closely. Some Christians would perhaps prefer
to say that our ethical conscience is the Holy Spirit reveal-
ing itself to man. To use that terminology would have the
advantage of ruling out unfortunate references to the loose
and slippery meaning of the word "conscience" in common par-
lance. It would also make the intended association with
divine purpose clearer. On the other hand, it would probably
unnecessarily complicate acceptance of our analysis by those
who are unable to accept the specifically Christian notion
of God.
To state adequately the reasons for rejecting ethical relativism and nihilism and siding with the classical tradition in ethics started by Plato and Aristotle and the closely related Judaeo-Christian tradition would be ample material for a separate work. It is necessary here to refer to other scholars who continue those traditions. Although this general frame of reference collides at important points with some widely held modern beliefs, the writer who regards it as valid in central respects cannot always begin from the ground, so to speak, by defending its basic assumptions against the most recent attacks. To be able to make his own contribution to these old traditions by suggesting clarifications, revisions, developments, or new applications of their ideas, he must be allowed to build on the base which has been laid by others. At the same time, the value of scholarly exchange makes it desirable that his arguments be presented in such a way as to be meaningful and persuasive also to those with a different frame of reference. We may hope that in the course of the proposed inquiry into the relationship of ethical conscience to popular self-rule a good case for the postulated view of ethics will also be developed.

The introduction of an ethical perspective on popular government will force the rethinking of democratic principles
as widely understood by political scientists today. An eth­
ical theory of democracy will not be satisfied with stating,
for instance, that democracy is a form of government in
which public policy rests on the will of the great mass of
the people as opposed to some privileged elite. While this
principle has something to contribute to a theory of popular
rule, it evades the question whether democracy has to foster
a certain quality of popular will. An ethical theory of
democracy looks for more in the celebrated principle of
majority rule than the idea that a numerically superior por­
tion of a people is entitled to greater influence over pub­
lic decisions than a numerically inferior one. As stated,
the principle leaves the demands of ethics aside. The same
type of deficiency marks most influential modern theories of
democracy. In search of the "basic feature" of this form of
government, Henry Mayo decides upon the following criterion:
"... a political system is democratic to the extent that
the decision-makers are under effective popular control."6
There is of course more to Mayo's definition of democracy,
but the fact that he regards this as the most "basic feature"
is a good illustration of the tendency in modern democratic
theory to view this type of government as a mere form in

6Mayo, Democratic Theory, p. 60.
which almost any substance may be put. There is contained in this allegedly fundamental criterion no reference to the quality of will which democracy is supposed to articulate, but only this formula: The more popular control, the more democracy. Once again, we are left with a principle that does little more than define democracy in terms of more or less on a quantitative scale.

As soon as the demands of the ethical life are recognized, it becomes necessary to find out how government could be made to respect those demands. How can moral standards be promoted and maintained by a form of government based on popular consent? Jean-Jacques Rousseau, who is widely regarded as one of the fathers of modern democracy, finds the answer in his concept of the general will. The latter is by definition always moral, and it is the only legitimate expression of the people's will. To make government moral it is necessary to create the circumstances under which the general will can assert itself. It is important to note that Rousseau regards the general will as incompatible with constitutional restraints on the people. As will be argued in more detail later, he does so because he associates morality with uninhibited spontaneity. The cause of the good society is not threatened by man's first impulse, which is always good, but by the artificial motives
with which historical society has imprisoned and perverted his natural, original goodness. Constitutional checks on the will of the people are examples of such vitiating influences. In order for man's spontaneous sense of right to break forth, they have to be removed together with all other artificial restraints which bind his natural goodness. This, in brief, is the ethical philosophy behind Rousseau's notion of plebiscitary democracy.

Rousseau's view of how morality is to be served in politics differs fundamentally from the thesis that will be advanced in this study. It will be contended here that the idea of democracy, viewed as a realistic statement of human potentiality, is at the same time the idea of constitutional democracy, that is, of popular rule under legal restraints not easily changed. This is so because of the nature of man's moral predicament. The argument will be developed partly through an analysis of Rousseau's concept of the general will. His thought deserves careful examination, for not only has it had an enormous influence, directly and indirectly, on democratic theory and political thought generally in the West; it also takes one to the root of problems which have to be faced and solved before the present confusion in democratic theory can be overcome. While Rousseau deserves credit for raising the moral question of popular
rule, it may be shown that on the whole his influence has not been beneficial. Importantly, he is the great pioneer in the West for the type of ethics which identifies the principle of moral good with positive human feelings, a morality of the "heart" from which the West has yet to recover. It is this understanding of ethics which lies at the bottom of his impatience with inner or outer restraints on man. We shall try to show that the general will, for which Rousseau claims total power and freedom, is not what it is purported to be, a principle of right above subjective and particular wills.

It will be argued here that man's ethical conscience is not adequately defined as a positive force inside our impulsive life. It is better described as a principle of self-examination or censure set apart from particular human feelings and actions. Except in a special sense, it does not order this or that specific line of conduct. It alters the motive with which action is contemplated. Human impulse is never itself the standard of morality. It may be said to partake of that standard to the extent that it advances the transcendent purpose known in ethical conscience.

This moral principle of self-examination can be shown to be closely related to the idea of constitutionalism. A constitution even more than other laws is a check on human
will. In a democracy where constitutional provisions, whether written or unwritten, regulate popular voting, representation, terms of office, divisions of power, legislative procedure, etc., and these rules can be changed only with difficulty, arbitrariness and whim in the people at large and in their representatives are restrained. Such a state does not give free rein to the people's impulse of the moment, but requires of public decisions that they be reached in a certain deliberate way.

In a democracy, constitutional checks may be viewed as inhibitions imposed by a people and its representatives on themselves. But why would a people restrict its own freedom of action? Rousseau completely rejects this idea of government. Constitutionalism involves a distrust of unhampered action and spontaneous decision. These are regarded as containing an element of arbitrariness destructive of the spirit of the civilized political order. One purpose of constitutional law, and lesser laws, is to purge government as far as possible of this element and to create the conditions for reasoned, well-considered public decisions. The attempt to make room for critical detachment in the formulation of policy may have an ethical aspect. Where there is room for deliberation, there is room for the application of a moral perspective. It will be our thesis that constitu-
tionalism in one of its aspects is the political dimension of ethical self-restraint and hence the necessary political condition for the furtherance of the ethical life. The idea of constitutional democracy, as opposed to the Rousseauistic notion of plebiscitary democracy, can be viewed as implying a recognition on the part of the people that there is a need to protect ourselves from our own spontaneity in politics. We need to be on our guard against premature, unthinking inclinations and the selfish arbitrariness which usually lurks behind them. Just as an individual may resolve on the basis of experience of his own moral weakness not to give free rein to his impulses in the future, but to make room for moral scrutiny of his motives before acting, so a people may recognize the need for putting brakes on its own momentary will in the interest of the common good.

Nothing in formal logic stops a thinker from advancing a theory of democracy in which the need for constitutional checks is denied or discounted. The question is if it must not then be regarded as belonging to the realm of futile and potentially dangerous dreams. One may argue that such a theory becomes palatable only when certain traits of human nature are assumed to be not really a part of man's being. Specifically, such a theory makes light of man's moral predicament, which may be described as the permanent inner tension between ethical conscience and contrary inclinations.
Democracy as a way of life

In the following attempt to give an ethical interpretation of democracy it will not be taken for granted that democracy is inherently superior to all other forms of government, as is often done by modern Westerners. It is well to remember Aristotle's observation that no one type of government is suited to all circumstances. It is pointless to argue in the abstract that only democratic governments are legitimate. As John Stuart Mill points out, "a people may be unwilling or unable to fulfill the duties which a particular form of government requires of them." The question of the legitimacy of different types of rule should not be discussed in isolation from the cultural context to which they belong. Democracy may be a realistic proposition in Europe or North America, but on the African continent most peoples still seem to lack the special type of political maturity which is needed to sustain it. In the West of today where democracy has come to be viewed as the normal form of government, it should be remembered that historically and internationally democracy, in a meaningful sense of that word, is not the rule but the exception. We should be on

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our guard lest we adopt an overly provincial attitude in regard to the means whereby a society may provide for its political needs.

At the same time, there are strong reasons why the idea of democracy must be regarded as a very noble one. A good case can be made that in a certain sense it represents the apex of associated human life. This argument relates democracy to the moral end of man, introducing the image of popular self-government in the cause of community. Without assenting to his entire political philosophy, we may quote these pregnant lines by John Dewey:

Regarded as an idea, democracy is not an alternative to other principles of associated life. It is the idea of community life itself. It is an ideal in the only intelligible sense of an ideal: namely, the tendency and movement of some thing which exists carried to its final limit, viewed as completed, perfected.8

Clearly, the word democracy is used by Dewey in a much broader sense than a set of political institutions and rules. It refers to the sum of conditions which prevail in a society where community has been realized. Certain political arrangements form only a part of a more comprehensive design. The word democracy implies that the active involvement of the whole people is necessary for the achievement of the

goal of community. It should be added without delay that according to Dewey "democracy in this sense is not a fact and never will be."\(^9\) We may understand him to be using the term in an Aristotelian fashion: something is what it is potentially.

Dewey's broadening of the democratic concept to denote a whole way of life with a definite end puts him at loggerheads with those theorists who regard democracy as a mere political form without any predetermined, overriding purpose. He would seem to be more sensitive than they are to the fact that government derives its shape, strength, and direction from the aspirations of the people it serves. It will reflect and promote the ultimate goals for life that are held by that people and its leaders. One cannot really define a form of government by abstract principles, such as universal suffrage, popular control of government officials, and majority rule, for these take on different meanings depending on the cultural atmosphere that pervades them. To give just one example, universal suffrage means something quite different in a Communist state and a Western democracy. By defining democracy in terms of community, Dewey ascribes to popular self-rule a definite goal with reference to which its various procedural rules must be understood.

\(^9\)Ibid., p. 148.
Dewey's broad definition of democracy brings up the artificiality of all sharp distinctions between public and private life. The political scientist needs to make distinctions along that line, for they are useful to him in organizing his thought and in communicating his ideas to others. But while it may be practical for some purposes to define the casting of a vote by a legislator as a public act and the disciplining of a child by a parent as a private act, it should not be forgotten that this distinction is, in the final analysis, arbitrary. The label "public" is tacked on to the first, not because it is somehow _sui generis_, but because it pertains to "government" as conventionally understood and has a direct and powerful effect on the lives of many other people. One need only change the example of the "private" act to one in which the effect on others is both direct and powerful to find it even more difficult to draw the line. It may perhaps be said that an act is public as opposed to private to the extent that it affects the lives of other people, but that formula involves no sharp distinction, only a diffuse sliding scale.  

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To avoid misunderstanding it should perhaps be said that in introducing the notion that democracy implies a whole way of life we are not also moving in the direction of the idea that all decisions which have "public" ramifications should be made according to majority rule or some other principle of "participatory" democracy.
It is thus in a sense unreal to think of "government" as something distinct from a surrounding "society." It is, or becomes, what the total number of "private" and "public" acts make it. It is impossible to determine with any finality where the "rules" and "institutions" of democracy end and the cultural "environment" begins. They are dynamically related. They are parts of one and the same process of purposeful human action.

Dewey's idea of community suffers from certain philosophical difficulties which make it impossible to adopt many of the specifics of his view of popular rule. Still, his notion that democracy carries within it the idea of community is an intriguing one. It suggests that popular self-government has a built-in moral requirement and logical end, whose fulfillment would be community, and which cannot be ignored if this form of rule is to continue in existence. Although it will not be our purpose to prove that democracy is "the idea of community life itself," the analysis will point in that direction. We shall be trying to show that the ethical quest to which democracy owes allegiance is at the same time the quest for community, to borrow Robert Nisbet's phrase.\footnote{See Robert Nisbet, *Community and Power* (New York: Oxford University Press, Galaxy edition, 1962).} Needless to say, the idea of community
as the goal to which politics should be directed is central to the classical and Judaeo-Christian tradition. How this idea is to be understood and related to the concept of popular government will have to be discussed in some detail. Ethical conscience, we shall argue, pulls man in the opposite direction from the centrifugal forces of subjective bias, arbitrariness, and egotism. It may be described as a sense of belonging, of participation in a harmonizing, supra-individual purpose. Given man's contrary proclivities, the only type of popular self-rule which can serve that goal in the political realm is a constitutional one.

**Morality and self-interest**

The emphasis in this study will be on the ethical aspect of the problem of democracy. It would not be surprising if in the course of such an investigation the impression would emerge that the principle of morality is the principle of order in a democracy. To avoid creating that impression, some cautionary and sobering remarks should be made.

Human nature, as we know it so far in history and in ourselves, does not give any reasons for optimism about the triumph of ethical motives over selfish motives in human affairs. Respect for the ethical goal of life does not seem to be the rule of politics but the exception. Some political philosophers, Machiavelli and Hobbes prominent among them,
have been so overwhelmed by the element of raw power in politics that they have been able to see almost nothing else.

Hobbes is even led to the drastic step of redefining morals in terms of the urge for power. However great their exaggerations, these philosophers have driven home an important truth which must not be ignored by anyone who studies politics and particularly not by anyone who wants to do so in the light of ethics: politics is primarily an arena of conflict, of clashing individual wills and group interests. One may go a step further and say that life in general has an element of war, of which military conflicts and other forms of violence are only one type of manifestation. A basic role of government is to provide for the peaceful settlement of disputes. Laws, including constitutions, have the function of steering the perpetual war of all against all into forms which can make life tolerable.

Of this function of government modern theorists of democracy are for the most part quite aware. In the United States, the Madisonian tradition makes it difficult to forget that constitutions have as an important aim the checking and balancing of conflicting interests. The realism of Madison's insights are attested to by the success of the American constitutional experiment.
There is thus much to be learned from those who are sensitive to the clash of wills that forms a part of all political life. The trouble with that type of observation is that it often sees nothing in politics but the war of all against all. When government is conceived as based on nothing but a prudential, pragmatic effort to settle disputes peacefully, when the ethical perspective is pushed aside or dropped entirely, the result is a distortion of political reality. It is forgotten that while regulation of conflict may be the first and foremost task of government, citizens have an ethical conscience which demands more. Man's moral aspirations, too, are a part of political life. Although they may not often triumph over the demands of the power-play, they are there to give a sense of higher direction to politics, to smooth the rough edges of the war of wills, at rare times even to raise government to a level of some moral dignity.

Man's ethical conscience is not the ordering principle of politics, not even in a democracy, but it does pull our will in the direction of worthier political goals, limiting to some degree their ingredient of mere selfishness. Insofar as it gains influence, we may say that the good society is being realized. In that society, which we can also call the civilized society, selfishness has not been uprooted: One
might say that it has been tamed, bent to the purposes of
the moral life. Where man's awareness of the ethical goal
of life recedes, on the other hand, the ever present power
struggle will soon assume uglier forms, giving new support
to a cynically Machiavellian view of politics.

An ethical theory of democracy, then, must not blind
itself to the inescapable non-ethical motives in politics.
These forces must be taken into account by the realistic
theorist and the prudent politician. If the politician is
to be successful in attaining his goals, he must try to
adjust to these forces, try to enlist them in his support.
That is not to say that he has to be immoral and opportunis-
tic, only that he must not be naive about his working mater-
ial. He may have a deeply moral view of his duty as a
politician, but if he refuses to face up to the degree to
which non-moral motives are among the forces with which he
has to contend, he will be reduced to a futile moralism
which may even produce the opposite of the intended results.
It is not moral, but merely foolish, to ignore the more
unpleasant political drives. It might even be said that it
is a moral duty for the politician to adjust his means to
the circumstances, that is, to adopt a pragmatic approach, for
this is the only way in which some progress towards the eth-
ical goal can be made. Even the most moral politician has
to master the type of prudential political calculus which is sometimes called the art of the possible, or his efforts will come to naught.

While there is in all political action a purely pragmatic ingredient—a consideration of available means under given conditions—it does not follow that the whole truth about politics was told by the author of The Prince. The art of the possible, if it is to be complete, must include considerations of a non-utilitarian, moral order. For an explication of that point we may rely on a philosopher and statesman with a keen appreciation of the Machiavellian aspect of politics, the Italian Benedetto Croce. Recognizing that "in political action, in attempts to reach a definite goal, everything becomes a political means—everything, including in certain respects morality and religion," Croce also warns against the belief that moral norms have no application to politics. Man, he argues, is a moral being as well as a utilitarian creature looking for success in his dealings:

... it may not be imagined that there can exist a political man entirely devoid of moral conscience. This would be the same as admitting that a "political man" can exist without being a "man." 

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13Ibid., p. 25.
The human conscience does not abdicate in political affairs. Against the notion that there is one set of ethics for private life and another for public life, it cries out that

... one cannot do evil in order to attain good, as though evil and good were merchandise to be exchanged; that our hands must be kept clean; that the quality of the means must not conflict with the quality of the end.14

Politics has its own law of utility and convenience, but it is not a closed-off, self-sufficient sphere of activity. Utilitarian skill in attaining ends is a virtue in a politician, but he must never fail to take into account that men have a moral nature to which the pragmatic calculus must be adjusted.

The true statesman, we may conclude, has a clear conception of the moral end of human existence, and he will always strive to make politics subservient to that end. He is also sufficiently a realist to know that morality, in the strict sense of performing good acts for their own sake, will never become the law of politics. Even Plato reluctantly conceded that fact. We may infer that Jesus had the same in mind when he separated between the things of God and the things of Caesar. The statesman knows that the best he can normally hope for is to put self-interest in the service of moral ends. He can find some comfort in the fact

14Ibid., p. 3.
that in most cases enlightened self-interest drives man in the direction of morality. As an example we may point to constitutionalism. The latter unquestionably owes much to sophisticated egotism. From a purely selfish point of view it is better to have rule of law than arbitrary government. But constitutionalism also serves an ethical need. It is the political condition for the furtherance of the ethical life.

Lest the influence of ethical motives in politics be entirely discounted, it should also be noted that in a society where men are growing insensitive to the demands of the ethical life, their enlightened self-interest will be increasingly difficult to discern. As their ethical vision is blurred, there is going to be less to restrain their cruder inclinations. They will become more indiscriminate in their choice of ends and means. The power struggle, which before was leavened somewhat by the ethical pull, will get harsher. Whereas ethical conscience, the will to the common good, used to give to the constitution and the laws generally an aura of dignity which made it easier for the citizens to recognize allegiance to the lawful order as being in their

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long-term interest, they are now going to look at the laws with less reverence and not be as predisposed against break­ing them, if it would serve their own immediate goals and go undetected. In that sense, it may be said that any civilized political order is ultimately rooted in ethical conscience.

It should be evident from these remarks that the proposed attempt to give an ethical interpretation of democ­racy will not rest on some exaggerated view of the influence of moral motives in politics. It is clearly understood that politics has the dimension of conflict which is emphasized by many modern thinkers. The fact that references to moral principle are frequently on the lips of politicians is anything but a sure sign that they are propelled by moral considerations. One need not be a cynic to see that self-interest often masquerades in moral garb. At the same time, the need that the politician feels to give a moral justifica­tion for his proposals suggests a recognition that his poten­tial supporters would like to feel that the policies they endorse are sanctioned by a higher court than the selfish ego. Why all these moral appeals in politics, now and throughout history, if there is not at the bottom of men's endless arguments about the proper political order also some­thing more than a concern for private advantage, a real eth­ical awareness, however vague, that we may not proceed arbitrar-
ily? Whether the moral sentiments expressed by politicians are for the most part genuinely felt or not, they indicate that there is more to politics than the power-play, be it crude and violent or modified by enlightened self-interest.

This study is an attempt to supply in broad outline what is lacking in a theory of democracy which does not look beyond the clash of wills. The needs of the ethical life cannot be ignored in a society which wants to be known as civilized. They remain an unconditional demand on man, a constant reminder that a political order based on mere selfishness is not worthy of man's true purpose. It is incumbent on the political thinker to come to grips with the role of the ethical in human affairs and try to answer the question of how it may be maintained and expanded in political life. The present study is an attempt to perform that task in regard to democracy.

**Spiritual man and the scientific method**

The development of an ethical theory of democracy comes up against a number of modern preconceptions about what type of evidence may be accepted by the political scientist. As has already been stated, conscience will be regarded here as an opening to the transcendent purpose of human life. This understanding of conscience forms part of
a general view of human nature, according to which man has a spiritual existence, a type of self-awareness and freedom that is lacking in physical nature and in the animal world. Together with the type of ethical philosophy with which it is indissolubly bound up, that view has come under attack as based on "unscientific," non-empirical evidence.

The last two centuries have seen a vast and increasing amount of activity in the natural sciences. The resulting progress in bringing physical nature under our control has endowed the methods of experimental science with an immense prestige, creating a wish in many quarters for their widest possible application. They have come to be viewed by some as the key to more complete and reliable knowledge, not only of physical and biological nature, but of human nature and social life. The distinction between a specifically human, spiritual order, where freedom and responsibility are not only meaningful but unavoidable concepts, and a "quantitative" order of causal relationships has become blurred. Reflecting this general trend, modern political science is marked by a certain reluctance to study politics in the light of a philosophical understanding of man, one which views life from the perspective of actual human self-experience rather than in analogy with what is known about physical nature. Many political scientists are prone to evade the
difficult question of the special nature of man and its implications for the study of politics and proceed instead according to some version of the acclaimed "scientific method."

It is not possible here to state fully the case against making empirico-quantitative methods, and theory, viewed as a set of working hypotheses potentially capable of verification by such methods, the norm for the study of political man. Just enough should be said to show that this approach suffers from grave difficulties. The following attempt to lift the ban on a certain type of evidence and reasoning will have the additional purpose of making the notion of a distinctively human, spiritual nature clearer. It should be noted that we shall be dealing with a tendency in modern political science (and other social sciences) rather than with individual intellectual positions, such as may be found among those loosely and often ambiguously described as "behavioralists." We are not trying to deny that there are political scientists sometimes said to be in the latter category who, especially in practice, go beyond a dogmatic insistence on empirico-quantitative methods and related types of theory. Needless to say, our argument is not directed against a general concern with finding support in facts for hypotheses. It is difficult to quarrel with the wish to acquire as much knowledge as possible about a subject, provi-
ded that the subject is not trivial and the collection of information guided by a sense of proportion. Our criticism focuses on the tendency to define "facts" in socio-political matters with reference to what is so defined in the natural sciences, to assume, in other words, that the nature of man and society do not, in any way essential to a meaningful and reliable understanding of politics, transcend the type of reality which is investigated by the natural sciences. Although often mixed with or counterbalanced by less questionable approaches, this inclination remains a considerable influence. To the extent that social scientists exhibit this tendency, our argument applies; to the extent that they are beginning to question it, it is a reminder of sins past.

In the attempt to achieve the closest possible approximation to the principles of natural science in the study of politics, a premium is put on evidence believed to be quantitative or susceptible of quantification. According to one of the pioneers of this modern orientation, Arthur Bentley, the statement of social fact that "takes us farthest along the road toward quantitative estimates will inevitably be the best statement." In Bentley's view, "ideas" and "feelings" are not intelligible social forces but meaningless

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abstractions. The social scientist should try to eliminate such "unmeasurable elements" from his investigation and aim for the enviable position of the natural scientist whose research material is "susceptible of measurement and quantitative comparison all the way through." One is reminded of William James's phrase that "you must bring out of each word its practical cash-value." A more recent but very similar view of political science is that of David Easton. Although less hostile to "introspective psychology," he emphasizes the great indebtedness of the discipline to Bentley. Easton calls for the development of a theoretical "master plan" to guide empirical research, which might one day conceivably "reach the stage of maturity associated with theory in physics, for example." Discussing his hopes for the discipline, he regrets that the physical sciences are centuries ahead of the social sciences and that therefore "all social research cannot yet be conducted with the methodological rigor familiar to the natural sciences or in

17 Ibid., p. 200.
19 Easton, The Political System, p. 177.
20 Ibid., p. 61.
21 Ibid., p. 58.
terms of the systematic frameworks resembling the model of physics."

In part, the attempted introduction into political science of methods believed to approach the type of rigor and precision characteristic of methods in the natural sciences may be a reaction against instances of sloppy scholarship and extravagant speculation in the past. But the proposed cure has important features which are probably as problematical as the disease. While it should not be denied, for instance, that there are political investigations for which measurability in some sense of that word is a desirable goal, it can hardly be argued that it should be sought even at the price of a one-sided or distorted view of political reality, not to mention triviality in the resulting findings. We would seem to be better advised to heed Aristotle's dictum that "it is the mark of an educated man to look for precision in each class of things just so far as the nature of the subject admits."23

One of the stated purposes of using "the scientific method" in political science is to discover "patterns" or

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22Ibid., p. 59.

"uniformities" in political behavior. In the words of a sympathetic explication of the method,

we . . . are assuming that these regularities can be expressed in generalizations which approximate the universality of a scientific law or theory in the natural sciences.24

Presumably, this must be taken to mean that the special nature and complexity of human life is discounted or denied by political science proper. Or to state the same conclusion in a way that clarifies the word "special": to the extent that important differences are recognized between man and thing and between man and animal, they are not believed to be of the order that different principles of explanation must be applied to each. It is hard to see that truth could be served by such a blurring of distinctions. To take an example, it would appear to be only by a facile reductionism that one can regard the effect of men's social background on their political actions as belonging to the same general category of "regularities" as the effect of a lever on another in a machine or the effect of some stimulus on a rat. It belongs to the specifically human sphere of conscious, purposive action. It has to be understood from within that context by methods which recognize the fundamen-

tal difference in meaning between the word "effect" as applied to human political behavior and the same word as applied to a piece of machinery or a biological organism.

The presumption in favor of applying the methods of natural science, as conceived by their proponents in the social sciences, to a political subject matter carries more far-reaching implications than is generally recognized. It is sometimes argued by advocates of "the scientific method" that its application to socio-political reality is not necessarily the equivalent of introducing a whole world-view, but merely an attempt to pursue further a method which has been found to "work," in the sense, for instance, that it facilitates prediction. It must be asked, however, whether the effort to imitate natural science does not imply that human behavior is of a certain kind. If man as a political being transcends biology and physics in ways essential to the very definition of political life, exclusive employment of empirico-quantitative methods and related types of theory would be unsatisfactory or misdirected. Their use in political science could be defended only if the "patterns" and "regularities" discernible in political life did not transcend the causal order of reality investigated by the natural sciences. The conclusion seems inescapable: If "the scientific method" is set up as the only way of acquiring reli-
able knowledge of socio-political reality, the latter is by that token assumed to conform in respect to its defining attributes to what we know of the nature of relationships between phenomena in the physical and biological world. But in that case, a certain view of human nature is indeed tacitly presupposed.

It may be argued in response that it is only by concentrating on measurable phenomena and aiming for quantification that we can reach any exact and therefore reliable knowledge of socio-political reality. But whence this presumption in favor of "exact" knowledge in the quantitative sense? If it has not somehow been determined beforehand what socio-political reality is like, why is it that only "exact" knowledge of it is supposed to be meaningful?

The hidden hypothesis about man and society is always verified, or at least never contradicted, for all "regularities" of political behavior are forced into the Procrustean bed of "scientific" explanation. It is assumed that the lingering element of uncertainty and unpredictability is a temporary problem whose resolution will only have to await more extensive research and further refinement of the methods. An almost Newtonian conception of reality appears to be implied, one which has been found wanting even in physics. The humanistic objection that the "patterns" of social life
do not belong to the same category as "patterns" in astronomy or physics, for example, but are acts of will in a context of freedom, purpose, and responsibility cannot be handled on its own ground. It must either be thrown out as "unscientific," and thus unworthy of consideration, or emasculated through a redefinition of the concepts used in terms of "the scientific method," that is, by a reduction of them to a predetermined level of explanation.

The point to be made is that the proponents of an exclusive or primary reliance on empirico-quantitative methods in political science are exhibiting a fundamental arbitrariness in their determination of scientific relevance. It becomes the more glaring if the need for a philosophical understanding of human nature and society is discounted.

It is difficult to see how one could defend setting up the methods of natural science as the ideal for social science before it has been determined through some kind of assessment of human nature in its complex wholeness to what extent these criteria can be applied to the study of man in the first place. These are philosophical questions, and very difficult questions at that. In order to understand the role and meaning of politics in human life and what methods are appropriate to that task, it is necessary to engage in a type of investigation in which the facts of actual human
self-experience are allowed to speak for themselves, as it were. It will not do for the political scientist to begin by introducing an inflexible rule of evidence borrowed from a specialized branch of research. To deny the primacy of a philosophical grasp of human nature while insisting on the universal applicability of "the scientific method" is tantamount to setting up that method itself as the final judge of reality and thus to adopt a rigid metaphysical system. To admit the need of philosophy, in the sense of a scientifically valid examination of the facts of self-experience, is to have left the confines of empirico-quantitative methods, for philosophical reasoning is not an application of those methods or related types of theory, but a comprehensive assessment of reality logically prior to them.

The varied evidence available indicates that man is indeed a part of the physical universe, a bodily creature whose characteristics may be illuminated by the methods of natural science. It is quite another matter to proceed as though all reliable knowledge about human nature belonged to the same general level of reality. This is simply to ignore the whole body of humanistic evidence available to philosophy: Man as known by us in actual experience is not locked into some vast, causally determined system. To be human is to be engaged in conscious, purposeful activity,
to reflect about and choose between alternative lines of conduct. We know ourselves to be interfering to some extent with the flow of events, shaping it according to our own intentions. Our direct knowledge of freedom in the moment of choice is an emphatic, indeed final, humanistic refutation of the allegation that human behavior may be explained in analogy with, for instance, some balls on a billiard table knocking against each other and the walls of the table. Mechanistic theories of human nature may perhaps have a certain logical coherence when considered in the abstract, but as interpretations of the concrete reality known to the living, acting human being, they are wholly inappropriate.

The language of philosophical self-interpretation are concepts like "experience," "act," "intend," and "freedom." They are indispensable in an analysis of specifically human life, but become meaningless if applied to things. Things do not "experience," "act," "intend," etc. Conversely, the language of "cause and effect," "function," etc., used in the physical sciences, is alien to the mode of distinctively human activity, although sometimes used metaphorically to describe it. The theory that freedom is but an unscientific illusion to be progressively dispelled by the discovery of causal "patterns" in different areas of research remains a metaphysical allegation, an abstract afterthought doing
violence to an immediate awareness. By an illegitimate and arbitrary inference from our knowledge of physical reality a confining and distorting explanatory scheme is clamped on actual human experience.

It may be argued that political research allegedly conducted according to "the scientific method" is saved by the constant and unavoidable intrusion of humanistic interpretations which recapture for the researcher and the student of his findings some of the humanistic meaning which is lost through the attempted methodological reduction of political reality. One may indeed question whether the proponents of strict adherence to "the scientific method" ever come very close to their stated ideal for the discipline. We have been arguing, therefore, not primarily against what these political scientists are actually doing, although there is considerable room for criticism in this area, but against what they are attempting to do.

The "scientistic" temptation does not appear quite as strong in political science as it once was. This may well be a sign of a rediscovery of the specifically human order of activity. Perhaps there is then also hope for the recovery of a humanistic, philosophical science of politics for which concepts like "freedom" and "purpose" are not unwelcome complications but a challenge to reflection.
Human self-awareness

The physicist and chemist have a great deal to tell us about man. So does the biologist. It has not been our intention to deny that in some ways man resembles the animal. He has needs which grow out of his participation in the organic world. What is of first importance to the political scientist, however, is that man is not only an organism with corresponding needs. He is, to use Ernst Cassirer's phrase, the animal symbolicum, the being with an intelligence and imagination which works through symbols. The human mind, Susanne Langer argues, is "an organ in the service of primary needs, but of characteristically human needs." Whatever the likenesses between man and animal, the pervasiveness of symbolization in human thought establishes one all-important difference. That difference, which has a direct bearing on the study of politics, has been extensively investigated by an important school of modern research, often called "philosophical anthropology," which has drawn on and integrated findings from biology, zoology, animal


psychology, anthropology, and philosophy. Cassirer and Langer are two leading contributors primarily known as philosophers.²⁷

Philosophical anthropology has shown that what makes man distinctively human is a unique kind of self-awareness which is made possible by symbolical thought. Whereas the animal appears to have only the perspective on the world which inheres in its practical need of the moment, man has the ability, as it were, to step outside of himself and look at phenomena, including himself, from an unlimited number of

²⁷The following discussion of the difference between man and animal makes use in a very summary fashion of arguments that are presented in detail in the following works: Cassirer, An Essay on Man; Langer, Philosophy in a New Key; Max Scheler, Man's Place in Nature, intro. and trans. by Hans Meyerhoff (Boston: Beacon Press, 1961); Arnold Gehlen, Anthropologische Forschung (Hamburg: Rowohlt, 1961); Adolf Portmann, Zoologie und das neue Bild des Menschen (Hamburg: Rowohlt, 1956); F. J. J. Buystendijk, Mensch und Tier (Hamburg: Rowohlt, 1958); J. v. Uexküll and G. Kriszat, Streifzüge durch die Umwelten von Tieren und Menschen. Bedeutungsslehre (Hamburg: Rowohlt, 1956). Many other works elaborate on the same theme. Research in this area continues, and it is of course possible that the views of the philosophical anthropologists regarding the difference between man and animal will require some modification in the future. Our general argument is not dependent, however, on the precision with which they have distinguished between the two. Even if it were established, for instance, that some animals have more of a symbolical grasp than is recognized by the philosophical anthropologists, their understanding of human nature would still be intact. It would simply mean that some animals have more in common with humans than previously thought, and that the methods of animal psychology would have to be adjusted accordingly.
angles. He can detach himself from his locus in time and place by the use of symbols. Man appears to be the only creature who can form the idea of a "thing" in the sense of a distinct and permanent occurrence. That requires a mind which endows perceptions with complex and enduring meanings. In man, any number of images may enter symbolically into the perception of an orange, so that we are not only aware of what is immediately present to the senses, its silhouette or color, but can also "see" its extension in space, its softness, juiciness, meat, taste, possible uses, etc. Symbolization allows the mind to play around phenomena, to fit them into contexts of the past, present, and future. To the animal, objects do not seem to have this quality of being separate and permanent entities in a wider world, but instead receive their content from a present need. For the hungry dog a bone is "something to eat," for the playful dog "something to play with." Whatever it is depends on the desire of the moment. It can not be imagined apart from an immediate urge.

What is sometimes called animal language consists, not of symbols, which denote meanings detached from a present perception, but of signs—a bark, growl, or the like, triggered by what is in the animal's awareness at the moment, as for example, a hostile gesture in another animal. Susanne
Langer argues that the mind of even a very clever dog is "a simple and direct transmitter of messages from the world to his motor centers."\(^28\) Animal "language" is not symbolical, but symptomatic. Aristotle was getting at the same difference when he said that "speech is something different from voice."\(^29\) Human language is an ability to think and talk of things in their absence, to entertain ideas which need not have any relation to a present practical need.

The point is not that animals lack intelligence. If by that word is meant "either adjustment to the immediate environment or adaptive modification of environment,"\(^30\) many animals must be said to possess it to a high degree. The point is that the animal lacks, or has just the barest rudiments of a type of intelligence and imagination which involves detachment from the here and now.

In man, all experience automatically undergoes what Susanne Langer calls "symbolic transformation."\(^31\) The stream of perception and impulse is broken up and transformed. Its content is spread out before the eyes of the


\(^31\) Langer, *Philosophy in a New Key*, pp. 33-54, passim.
mind in symbolical form. Man is not immersed in his own impulses, but has a perspective on them. Whether he wants it or not, he is presented with an opportunity to analyze and evaluate them. He is not caught in some chain of stimulus and response. In Cassirer's words:

There is an unmistakable difference between organic reactions and human responses. In the first case a direct and immediate answer is given to an outward stimulus; in the second case the answer is delayed. It is interrupted and retarded by a slow and complicated process of thought.  

Reinhold Niebuhr speaks of a specifically human "consciousness of consciousness" or "self-transcendence" which "expresses itself in terms of memory and foresight." In the inner monologue which is characteristic of man, present perceptions, memories, and projections are freely manipulated to fit whatever purpose he has in mind. Whereas the animal seems forever bound to its peculiar pattern of behavior, man can imagine himself in new circumstances.

The human being is aware of himself as a part of a greater whole. He has a world. He is capable of a structured view of reality. He can study his environment scientifically, and he can build imaginary worlds. To be

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human is to be creative. Where there is human life, there is culture. The process of symbolization which underlies this activity is an essential part of what we have called man's spirituality. Max Scheler writes: "The spiritual being . . . is no longer subject to its drives and its environment. Instead, it is 'free from the environment' or . . . 'open to the world.'"\(^{34}\) The same aspect of man's spiritual nature is described by Paul Tillich:

> Man has a world, namely a structured whole of innumerable parts, a cosmos, as the Greeks called it, because of its structured character which makes it accessible to men through acts of creative receiving and transforming. Having a world is more than having an environment.\(^{35}\)

Symbolization makes man free in a sense in which the animal is not. It also presents him with a unique problem. How is he to guide his actions? The animal is deeply sunk in instincts which help direct its behavior. It is secure in inherited natural drives that fit it into the environment. Since man's self-awareness is constituted by a certain detachment from his own drives, it is highly questionable to talk about instincts in a human context. In man, Arnold Gehlen points out, the steady, stereotyped instinctual

\(^{34}\)Scheler, *Man's Place in Nature*, p. 37.

patterns found in the animal have been torn down. At the most, humans may be said to have "instinctual residues." They are "instinctually insecure." They must look elsewhere for guidance.\(^{36}\)

Like the animal, man is full of impulses and desires. But they do not automatically result in action. They are absorbed into the human inner monologue where they are mingled with other impulses. Symbolization transforms everything into infinitely complex combinations. In the medium of human consciousness it becomes impossible to distinguish clearly this drive from that. To take just one example, it is not possible to separate the sexual urge in man from such other influences as a will to power, a sense of beauty, or a wish to procreate. There are in man no ready-made guides to action, and it is not possible to sink back into instinct. The unique type of self-awareness which is engendered by symbolical thought makes man subject to the vagaries of his own imagination.

The specifically human way of structuring life is for man to impose rules on himself. For "instinctually insecure" man, as opposed to the animal, it is necessary to create

\(^{36}\)These phrases are used by Gehlen in Anthropologische Forschung, where he also shows that in man culture has taken the place of instinct.
pattern of behavior. Out of this need for self-discipline, dictated by his special nature, grow the norms of culture. These are not the result of blind spontaneity, but of a conscious intent to escape the chaos which is always possible in the animal symbolicum.

The findings of the philosophical anthropologists support the old Aristotelian notion that man is by nature a social being. Social life begins with man's ability to step outside of his here and now. Because he is not bound to any one perspective on himself and his environment, but can enter imaginatively into any number of points of view, he can put himself in the place of others and share meanings with them. Symbolical thought forms the basis for all kinds of cooperation and organization. It is the necessary prerequisite for grasping the idea of a role, and thus the idea of a society. As the animal symbolicum, man can think of himself as playing a part in a greater scheme. Only a mind capable of that kind of reasoning can have a conception of politics, constitutions, and other laws. Contrary to what is the case among animals, humans have an elaborate social awareness. The difference between herd instinct and social consciousness is not one of degree but of kind. It makes little sense to talk, as does Maurice Duverger, for instance, of "animal societies" with "politics," "authority," and
"organized power." These terms have real meaning only in a human context, that is, a context of symbolical activity. They can be made to fit animal behavior only after they have been redefined to the point of almost complete removal of their original human content. As John Dewey points out, "no amount of aggregate collective action of itself constitutes a community."38

The human frame of reference

For the political scientist to adjust his methods to the spiritual reality of human self-awareness and the type of freedom it involves represents a great improvement over the attempt to reduce man for purposes of scientific explanation to a common level with biological organisms or physical things. But neither can man be regarded as a mere economical creature, a skillful organizer with an ability to calculate how best to satisfy his desires now and in the future, as some political scientists would seem to contend or imply.39

Symbolical activity permits the discovery of enlightened


self-interest, but it also makes possible the entertainment of ethical ideals. It permits man to evaluate himself morally by enabling him to contrast his present state with an image of what his life should really be like.

If anything stands out in the history of culture, it is that man has used his ability to think in symbols to express his sense of moral right and his sense of the divine. Man is an ethical and religious being with corresponding needs. Many will deny that there is a moral absolute or a God. That does not change the fact that man is forever struggling with the ethical question of right and with the religious question of man's relation to the divine. To be human is to have these concerns. They will not go away just because from time they are pronounced irrational or meaningless. One may even doubt that they cease to bother those who claim to regard them in that way. It appears to be human nature to break out of such attempts to restrict the process of self-interpretation characteristic of man.

It should be sufficiently clear from the above arguments that what is specifically human about man, a certain kind of self-consciousness involving a trans-subjective sharing of meaning and with an ethical and religious dimension, is not accessible by the same kinds of methods which are used to investigate physical things or organisms.
Inasmuch as man's spiritual nature is the very mode of social life, empirico-quantitative methods, understood as an approximation of the principles of natural science, will serve the social scientist poorly. What is needed is a humanistic approach, one which puts a premium on familiarity with and respect for the facts of the living reality of distinctively human behavior. As has already been argued in different ways, human action must be examined "from within," that is, from within the highly complicated conceptual structure whereby man understands his own existence and guides his behavior.

That does not mean that what is loosely called "empirical facts" can be ignored. They provide indispensable information about political man. Many types of speculation and hypothesis need verification by reference to them. What should not be forgotten is that the nature and importance of such facts can be known only in the light of a general philosophical understanding of human nature which deals with human meanings on their own ground. Drawing on our discussion about the symbolical character of consciousness, we can see that the term "empirical fact" is a highly ambiguous one. In socio-political life, what is such a fact? The word "empirical" supposedly refers to phenomena which are perceived by the senses. According to Frank Sorauf, political science
is "committed to the proposition that knowledge of social behavior and institutions must come from experience, from sense perception of events in the real world." Such a view of the source of knowledge reveals a basic vagueness. To the extent that man is aware of phenomena, they have already been taken up in the medium of symbolical thought. That means that they have been endowed with complex meanings. The fact that an impression is received through the senses, whatever that means, does not make the phenomenon present itself to man in no uncertain terms. As a part of human consciousness it is fitted into and understood through a complicated pattern of preconceptions, memories, taboos, ideals, and prejudices. A so-called "empirical fact" is pregnant with symbolical content. Far from being self-evident with respect to its own reality, it has to be deciphered. Only after philosophical reason has determined the nature of the "fact," that is, its place in the vast conceptual structure which constitutes man's knowledge of reality, is it possible to know by what method it should be investigated. Even "empirical" political reality turns out to be much more complex and unpredictable than is allowed for by

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"the scientific method" in the strict empirico-quantitative sense.

An ethical theory of democracy, then, regards government as belonging to a specifically human, spiritual order of activity with a definite ethical end. Such a theory draws on what we may call humanistic evidence, facts about man illuminated by philosophical self-knowledge. As we have already hinted, that does not mean that the scholar is thrown back on his own subjective experience. Human consciousness has a dimension of universality. The process of symbolization that pervades human experience makes few meanings radically inaccessible to men in general. In fact, social life must be viewed as a trans-subjective existence. Symbolical thought allows the individual to transmit his own experiences to others and make the experiences of others his own. Art in its many different forms is a striking recognition of that fact. Evidence about man's ethical conscience and its normative authority is available from all those who have taken it seriously and tried to determine its role in the structure of human existence. Self-knowledge is a dynamic process in which the testimony of others, reflected in part in the cultural traditions of mankind, is tested against direct personal insight, made possible to a large extent by that testimony. It is doubtful that one can really distin-
guish between that in one's knowledge of the self which comes out of one's own private experience and that which has been contributed by others. Private and trans-subjective are dynamically and inextricably related. Paradoxically, self-discovery is a social, cultural process. It will be argued in particular later that the pursuit of the ethical life is a supra-individual task.

To give an ethical interpretation of democracy is to appeal to the commonality of moral experience. Unless men have available to them, potentially at least, a common frame of reference grounded in reality itself, arguments about the human condition could never convince, but only flatter. Needless to say, men are likely always to have differences of opinion regarding the precise nature of ethical conscience. But arguments about it assume that a certain view comes closer to the truth than other views. The fact that the individual has to decide for himself what to believe does not mean that truth about the form of ethical deliberation is subjective. Truth is a universal commanding acceptance, because it refers to reality. To speak of ethical experience as inherently and exclusively subjective is to rule out agreement on what is moral. An overlapping of individual preferences in some particular case does not by itself constitute moral agreement, for it need not involve a shared
understanding of the essential meaning and purpose of human life.

Those are many today who deny that there is a commonality of moral experience. They maintain that arguments about the normative validity of ethical judgments are scientifically pointless. It is contended that as social scientists we must keep "facts" and "values" separate. It is not possible here to give a full-fledged refutation of this attempted dichotomy. A criticism of it has been implied and will be implied in the following chapters. We have to limit ourselves at this juncture to the suggestion that the "fact-value" distinction becomes plausible only when a "fact" is conceived as some sort of independently existing, static phenomenon, and not as a part of, and means in, man's effort to achieve a comprehensive grasp of reality. The symbols by which a "fact" has meaning set it in this wider context and are thus reminders of the totality to which it belongs. That totality becomes what it is partly because of man's conceptual structuring of experience. But experience is already guided by and understood through this continuous process of interpretation, so that reason and will, intellectual and moral activity, are in effect developing together in a dialectical fashion. They are indissolubly intertwined. To try to extract from a "fact" its "value" component is
only to conceal from view that what is designated a "fact" is simultaneously and unavoidably assigned a positive or negative role in the achievement of the comprehensive goal whose value is necessarily affirmed whenever the designating activity is performed.

When men differ in matters of theory, it is not always the result of divergences in formal logic. Our way of interpreting reality, our sense of proportion and value, is the result of innumerable acts of will and related conceptual adjustments in the past.

Thus, in the sciences of man . . . there can be a valid response to "I don't understand" which takes the form, not only "develop your intuitions," but more radically "change yourself." This puts an end to any aspiration to a value-free . . . science of man. A study of man is inseparable from an examination of the options between which men must choose.41

Such an examination requires not only an intellectual absorption of abstract ideas, but an orientation of the whole personality which connects the symbols with experience. Obviously, intelligent choice presupposes a standard: "The superiority of one position over another will . . . consist in this, that from the more adequate position one can understand one's own stand and that of one's opponent, but

not the other way around. It goes without saying that this argument can only have weight for those in the superior position." 42 Far from indicating moral or intellectual arrogance, this statement, which expresses an ancient and fundamental insight, simply points out that a view of reality is superior to another by virtue of its conceptual comprehensiveness and intrinsic worth. The quoted passages emphasize the close relationship between ethical and intellectual activity and raise the question whether those who embrace the "fact-value" distinction are doing so because in the given sense they have mastered the opposing older view, inspired by the classical and Judaeo-Christian experience, and found it wanting, or because they have failed to do so. Philosophical scholarship aims at the most complete understanding of reality. The modern attempt to separate "facts" and "values" and the related tendency to accept only so-called "empirical facts" as a source of reliable knowledge, we may venture to say, represent a contraction in the interpretation of experience. The proper remedy for extravagant claims and premature certainty in moral matters is not a refusal to inquire

42Ibid., p. 47. For other arguments against the "fact-value" dichotomy see Leo Strauss, Natural Right and History (Chicago: University of Chicago Press, 1953), especially chap. 2; and Eric Voegelin, The New Science of Politics (Chicago: University of Chicago Press, 1952), especially the Introduction.
into the validity of statements about the good for man, but
a more scrupulous analysis of moral experience as it relates
to various aspects of life.

To those who embrace the dominant modern view, the
notion of an ethical interpretation of democracy will seem
subjectivistic and presumptuous. "Who is to say what is
moral?" But is it really presumptuous to suggest that
arguments about man's ethical life can be tested against
objective reality, to submit that our feelings of moral
obligation are not just impenetrable enigmas of subjectivity,
but have a trans-subjective, trans-temporal origin and focus
which can be illuminated by philosophy? Since perfect and
total knowledge can safely be ruled out, this view does not
imply an eventual cessation of argument. The belief that an
objective principle of morality exists does not end, but
gives rise to inquiry. In point of fact, is it not less
presumptuous to say that the good for man is a matter about
which we may profitably argue, than to refuse to entertain
the idea that reliable knowledge in this area is possible?
The latter attitude, although allegedly expressive of
intellectual humility, would actually seem to have in it a
considerable measure of dogmatism. An attempt to interpret
democracy in the light of a serious consideration of man's
sense of higher destiny, we may at least hope, should help
to diminish rather than increase the threat of intellectual capriciousness. It places a central part of human experience and its relation to basic problems of politics under the purview of critical examination.

The next step in our development of an ethical interpretation of democracy will be to try to discern the general form taken by ethical awareness and activity. In what way does man grasp and affirm his transcendent goal? Since we are postulating the intrinsic worth of the structuring influence of ethical conscience, such a "formal" approach is at the same time necessarily a study of the substantive content of morality. We shall be arguing, for instance, that ethical conscience is experienced as a restraint on impulse. That is another way of saying that a certain type of self-restraint has moral worth. Having analyzed the process by which moral order is realized, we shall be looking for its implications for the organization of popular rule. Our ethical philosophy will be clarified and related to the institutional questions of democracy through a careful examination of Rousseau's theory of popular government. This analysis will help to demonstrate the close relationship between ethics and politics and, more specifically, the serious moral difficulties with the concept of plebiscitary democracy. By way of elimination, our argument will move
in the direction of a more tenable position. We shall con­
clude with a consideration of the concept of constitutional
democracy. The purpose is not to develop some sort of moral
"casuistry" of democracy tied to an elaborate set of
institutional prescriptions. Our investigation is best
described as a search for the general principle for the
reconciliation of the needs of the ethical life with popular
self-rule. We shall just barely begin the important and
very difficult task of applying this principle to the var­
ious practical problems of democracy.
II. THE ETHICAL LIFE

It has been argued in a preliminary fashion that politics has a transcendent moral end and that a truly civilized society is possible only where the demands of the ethical life are recognized and respected. A treatment of the implications of that relationship for democracy requires a more extensive explication of the ethical philosophy which is being postulated. More detailed answers must be given to these questions: What is the nature of the ultimate standard by which the quality of social and political life has to be judged and to which democracy, like other forms of government, must be adjusted? How does the structuring principle of man's ethical life order his actions? Before that principle is related to democracy, it also needs to be related to the more general ideas of community and culture.

Man's ethical conscience has been described earlier as a sense of sacred purpose. The latter term lends itself to a religious interpretation. For some Christians, we have said, it might seem preferable to speak of the guiding presence of the Holy Spirit. Although it is not the intention here to introduce a theological perspective, it is doubtful that man's ethical life as understood in the following discussion could be sharply distinguished from
religion. Even if not bound up with a certain theology, a life centered in the recognition of a transcendent spiritual goal for man would appear to come very close to it.\(^1\) Allegiance to an ethical end conceived as an ultimate of meaning and worth could involve a spiritual commitment similar to that which is ordinarily associated in the West with the worship of a personal God.

The view of the ethical life which will be developed here is deeply colored by the Christian tradition, but it also draws on the classical teaching of Plato and Aristotle whose theology is quite different from that of Christianity. Our purpose is to give an account of moral experience while staying short of theological claims about the nature of the divine reality in the direction of which man is pointed by ethical conscience. Ethical philosophy does not have to compete with theology. It leaves the possibility open of putting the elements of the ethical life in a broader context. It does not necessarily deny the claim that the facts

\(^1\)Paul Tillich is prepared to use the word "faith" even about those who do not believe in transcendent reality, those he calls "humanists." Their lives may still center around an "ultimate concern," and "if faith is understood as the state of being ultimately concerned about the ultimate, humanism implies faith." Paul Tillich, Dynamics of Faith (New York: Harper & Bros., 1957), p. 62. We are dealing here with a "faith" that does have a transcendent object.
of the ethical life take on additional significance when viewed from the privileged perspective of revelation. At the same time, if the structuring principle of man's ethical life is a manifestation of divine reality, it is evident that what philosophy can say about it has theological ramifications.

We are proceeding on the assumption that up to a certain point, which probably can not be clearly defined, the ability to grasp the facts of man's ethical life is not dependent on accepting a particular theology. A Christian, a Buddhist, a Platonist, and an Aristotelian, for example, all recognize the presence in man of a transcendent spiritual awareness and a tension between that sense of higher destiny and contrary inclinations. Their differing theological views do not necessarily preclude far-reaching agreement on the basic nature of man's moral predicament.

But what about the person who claims to have no inkling of a transcendent goal for man? Will he be without referents in personal experience for the following account of the ethical life? It should be stressed in response that the term ethical conscience is not intended to signify some unique, specialized reality revealed only to a privileged few. To be sure, some must have a less confused conception of it than others, as is true of any subject; varying degrees
of insight are implied in the recognized need for philosophical scholarship. While it can not be ruled out categorically that there are actually individuals who completely lack what we call ethical conscience, few would flatly deny that they have any "conscience" at all. It is hard, if not impossible, to imagine a human being who does not have his moments of moral guilt, remorse, and reassurance. Many will hasten to point out, however, that their "conscience" is of course "nothing but" internalized social norms, "merely" a mask for their own selfish interest, or the like. They will, in other words, admit having a "conscience," a recurrent sense of moral censure or approval, but attempt to explain away whatever moral authority it wields over them by introducing an explanatory theory which rules out the possibility of objective moral judgments.

To find referents in personal experience for our account of the ethical life it is not necessary to give up the idea that "conscience" in the loose, day-to-day sense of the word, is a veil before subjective and possibly even blatantly selfish intentions. It would be difficult to dispute that men's purported ethical motives are usually mingled with morally dubious content. Perspicacity regarding the influence of such elements on human action must indeed be considered an asset in the ethical philosopher.
It is necessary, however, for those who depreciate "conscience" to make room for the possibility at least that what little moral authority is carried by it may be more than arbitrary. What has to be given up, to put the same thing differently, is dogmatic relativism or nihilism. The facts of the ethical life must be allowed to stand without the restrictive interpretation put on them by relativistic or nihilistic theory. This may be too much to ask, for such a concession would involve more than just a suspension of judgment. What is needed is a measure of that ethical insight whose existence is the very subject of controversy.

The duality of human nature

Central to the ethical philosophy that informs this study is the idea of the duality of human nature. Since the term "dualism" has been used by different philosophers in different ways, its meaning here needs to be delineated with considerable care. It goes almost without saying that we cannot hope to establish conclusively the validity of the concept of dualism which is being advanced. That would require lengthy philosophical arguments far beyond the scope of this investigation. What can and should be done is to present the concept with some thoroughness and to locate it roughly within the Western philosophical tradition.
The following discussion of some aspects of the duality of human nature will combine independent reflection with reliance on the ideas of other thinkers. The influence of Plato and Aristotle will be apparent. Much use will also be made of the thought of Irving Babbitt (1865-1933) and Paul Elmer More (1864-1937), two important American philosophers and literary critics.²

Whatever their differences on the theological level, the classical Greek philosophers and the leading Christian thinkers who together laid the foundation for the traditional Western view of man are at one in asserting that man is a creature of two worlds. He partakes of two intimately related and yet distinct orders of reality, one immanent and

²Irving Babbitt taught most of his life at Harvard. He was a professor of French literature, but his works deal as much with philosophy and ethics. Paul Elmer More was partly an academician, teaching at Princeton, for instance, partly a literary journalist, in which capacity he was editor-in-chief of The Nation. His numerous philosophical and literary works include books on Plato. Together, Babbitt and More were the main source of intellectual inspiration for the cultural movement called the New Humanism, whose influence was most powerfully felt in the 1920s and 1930s. Among those who can be said to have belonged to it or absorbed many of its ideas are T. S. Eliot, Norman Foerster, Austin Warren, and, more tangentially, Walter Lippmann.

Our interpretation of Babbitt's and More's ideas owes much to Folke Leander's philosophical study, The Inner Check. A Concept of Paul Elmer More with Reference to Benedetto Croce (London: Edward Wright Ltd., 1974; hereinafter referred to as Inner Check).
finite, one transcendent and infinite. For Plato, the central and most glaring fact of human existence is the paradox of the One and the many, the coexistence in life of Unity and multiplicity, Order and disorder. There is thrust on the philosopher, the simultaneous awareness of a Purpose of being, an End of Meaning and Worth, and of an opposing reality tending by its own nature towards nothingness. Perhaps the most persistent of all philosophical themes is summed up in these words: "Man is a strange mixture of being and non-being."³ Human life is a perpetual and ever-changing flow of thoughts, impressions, feelings, and actions, yet amidst this endless variety and motion, man is able to retain an image of human identity and perfection. He is not lost in a chaos of multiplicity. His world has a center which holds it together. There is in our consciousness, Irving Babbitt observes, "an element of oneness somewhere with which to measure the infinite otherwiseness of things."⁴ Disorder is modified by the mysterious presence of a principle of order. In ethical terms this fundamental dualism of human existence can be defined as a tension between the universal Good and all that thwarts its purpose in the world.

³Cassirer, An Essay on Man, p. 11.

Before continuing, it should be made clear that the present discussion is concerned with the element of ethical order in life. We are interested in that aspect of the paradox of the One and the many which Plato himself regards as fundamental. While it is not necessary for the purpose of this study to explore at length the types of order that do not have a distinctively ethical origin, the existence of that complication must be remembered.

The paradox described here by the word "dualism" should be understood as prior to all theoretical undertakings, as the very starting-point of philosophy. It is the primordial given of man's immediate awareness of reality. The paradox of dualism is the category in terms of which philosophy may attempt to describe reality but beyond which it cannot go, because it is itself constituted by it. The same thought is expressed somewhat differently by Irving Babbitt: "Life does not give here an element of oneness and there an element of change. It gives a oneness that is always changing. The oneness and the change are inseparable." 5 Man does not somehow fluctuate between the two poles of his being, living then in the one, now in the other. To be human is to

live in both at once, to know order and disorder by each other.

The concept of dualism which is being developed needs to be distinguished from other attempts to deal with the same basic paradox. Few philosophers fail to recognize in some form the tension within man's awareness of reality, but many are led to interpret it in terms of a single principle which supplants the paradox and denies its essential reality. The attempt to go beyond the dualism which is directly given in human consciousness results either in a denial of transcendence, as in various naturalistic philosophies, or in a deification of immanent reality, as in the case of Hegel. Hegel is more sensitive than most to the dualism of being, but by trying to subsume it under the categories of an idealistic monism, he comes close to denying the existential reality of the tension which his dialectic logic is supposed to comprehend.

The classical and Judaeo-Christian tradition with which we are identifying has for the most part resisted the temptation to resolve the paradox by some such metaphysical means. As against naturalistic denials of a transcendent order of morality it has affirmed on the basis of concrete human experience man's ability to know that reality. As against attempts to identify man with the divine it has
insisted, likewise on the basis of concrete human experience, on the finitude of all human achievements.

Neither should our conception of dualism be mistaken for the distinction between body and soul which has played a considerable role in Western philosophy. The tension of concern here is that between the totality of finite human reality and the infinite demand placed on that reality by ethical conscience. To the realm of the finite belongs not only our bodily characteristics, but elements of the human self which may be said to be a part of the "soul," such as our sensate feelings, emotions, imagination, and reason. Body and soul, then, are not to be regarded as separate, distinct entities, but as an organic unity which stands over in its totality against man's transcendent sense of perfection.

In spite of some lingering ambiguities in both traditions, the Platonic body-soul dichotomy and the related Christian flesh-spirit dichotomy should be viewed as only a symbolical rendering of a tension which is actually between man as an organic whole of body and spirit and the sense of higher destiny which is both immanent in and transcendent of the human self. "The body" and "the flesh" express symbolically the disruptive, destructive, evil inclinations of the human will as diverted from its true end.
The logic of participation

The task of grasping philosophically the coexistence in life of order and disorder is not made easy for the modern Westerner whose mind is steeped in the logic of natural science. He will be prone to view the elements of human consciousness as "things." Our explication of the paradox of dualism will seem a strange assertion of the compatibility of incompatible substances. Philosophical terms like "unity," "multiplicity," "finite," "infinite," and "dualism" are likely to acquire a mathematical coloring. The result will be a mental picture drastically opposed to the meaning which the various terms are intended to convey. Reifying logic will miss the point of this discussion, for its natural tendency is to reduce reality to a single level of spatial entities, whereas we are actually considering an irreducible spiritual paradox. The idea that the human self is at the same time and in the same respect changing and remaining the same, an ordered unity and a locus of disorder, will appear incomprehensible.

But this notion of simultaneous order and disorder is perfectly reasonable to another type of thought, the kind we use when we recognize our own enduring identity as moral subjects in the midst of a perpetually changing inner and outer life. Every new moment in a person's life is unique,
and he is therefore never the same, yet he knows himself to be the same as he has always been. In grasping this fact about ourselves and others we use a type of logic which is suited to the data of spiritual experience as we are conscious of them, not indirectly through mechanistic, quantitative analogies, but directly in our immediate awareness of reality. It is a dialectical, humanistic logic which does not try to explain away, but simply reflects the existential tension in man between immanent and transcendent.

Only if reifying thought-processes are set aside for humanistic philosophy, is it possible to grasp the idea of participation (methexis) by which Plato gives conceptual form to the paradox of dualism. According to this idea, finite man participates in, shares in the infinite. The person who acts with a view to realizing the goal of ethical conscience becomes a part of the transcendent purpose of existence. By striving to embody it in his personal life he brings into the finite world a measure of harmony and order. Human activity always remains in the realm of the imperfect, but in individuals, peoples, and civilizations inspired by the universal Good it is enlisted in a higher cause and raised to a new dignity.

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6 The logical problem of dualism is discussed in Lean-der, Inner Check.
While man's ethical life is never completely ordered or disordered, he tends to gravitate in either direction. Some men will have but a vague conception of the moral goal for man or lack the strength of will to adjust to its demands. To them, more than to others, life will appear meaningless, disjointed, absurd. Others will recognize ethical conscience as pointing us towards life's fulfillment and try to live up to it. While such men will not escape all feelings of meaninglessness, life is likely to impress them more with its element of meaning. Employing the Platonic terminology, it may be said that they are participating in the Good.

The higher and the lower self

The mysterious dualism of human life has been described by Babbitt and More as an opposition in man between a higher and a lower self. The latter term refers to the human will not guided by ethical conscience. The former term, which is synonymous with ethical conscience, refers to that in our being which pulls us in the direction of our own true humanity, that is, towards the realization of our highest potential as defined by a universally valid standard. Man is not merely a set of impulses striving towards their fulfillment. There is in him this constant stream of drives, emotions, impressions, and ideas; as unaffected by ethical
discipline and propelled by the mood of the moment it is also called by Babbitt the "temperamental" self. But man also has a special kind of self-awareness. Not only does he have the ability to examine analytically the contents of his own consciousness, which is a rational process that does not go beyond the "lower" or "temperamental" self. He is also capable of an ethical assessment of himself. At the back of his mind the individual carries a sense of what his life should really be like. With reference to it he passes judgment on his present state and on his plans for the future. Man's ability to view life from a moral perspective is precisely what is meant by the "higher self" or, in our terminology, "ethical conscience."

As a result of moral self-examination the individual may repudiate even strong inner drives in favor of what he has determined to be an ethically acceptable course of action. In his better moments he lets his own deepest insight into how he ought really to live prevail over the ethically unstructured inclinations of his lower self. Against the limitless possibilities for imperfection and disorder open to the individual stands the spiritual force of ethical conscience, which holds out the hope of a truly meaningful existence.
It is crucial to understand that ethical conscience is not an impulse among others. Babbitt and More express an important insight when they refer to it as the "inner check," thereby indicating that it brings order by restraining the flow of human intentions. Morality is never an easy yielding to the impulse of the moment. It demands the exercise of will. Because it frequently requires the interruption or holding back of strong drives, it may involve considerable pain. Neither is the discovery of one's own moral shortcomings, which is the necessary prelude to a moral reorientation of action, a pleasant experience. It is not a coincidence that when the word "conscience" is generally used, it is most often the painful element of censure that is emphasized: "I have a bad conscience," "my conscience bothers me," "my conscience won't let me."

The point here is not that the occurrence of ethical conscience is always accompanied by pain; we shall be arguing later that allegiance to it is attended by a sense of happiness. What should be noted is that the tension within man that is introduced by ethical conscience is of a special kind. It must not be confused with the internal conflicts that grow out of the multiplicity of human drives and desires. These are frequently at cross purposes with each other, and this may indeed cause anxiety and other forms of internal
strain. Tensions of that kind are not an example of moral struggle or guilt, but are contained within the lower self. The tension in man which is ethically significant is that between the infinite variety of human drives, on the one hand, and that special will in man which always wills the same end, the universal, moral End, on the other. In relation to the multiplicity of inclinations which make up the lower self it is experienced as a restraining, censuring influence.  

Ethical conscience in one of its aspects is man's true humanity revolting against the outreaching of arbitrary impulse. Babbitt and More are severely critical of those who tend to invest the unstructured expansiveness of the human will with moral authority. "As against the expansionists of every kind," Babbitt writes, "I do not hesitate to affirm that what is specifically human in man and

7Sigmund Freud, by contrast, attempts to account for the existence of moral standards within a monistic, naturalistic framework. His notion of the super-ego forms part of a theory of the self-regulation of instinctual energy. Whatever the strengths or weaknesses of particular points in his psychological theories, his failure to make room for a transcendent source of morality ("We may reject the existence of an original, as it were natural, capacity to distinguish good from bad." Civilization and Its Discontents [New York: W. W. Norton & Co., Inc., 1962], p. 71) and thus recognize the essential duality of human nature is of a reductionistic variety which limits severely the value of his ideas to ethical philosophy.
ultimately divine is a certain quality of will, a will that is felt in its relation to his ordinary self as a will to refrain."\(^8\)

It should be repeated that we are dealing with the ethical origin of order. We have opposed to it the "impulses," "spontaneity," and generally undisciplined nature of man's lower self. As has been indicated before, there is in human life not only order of an ethical kind. There may be a certain order or consistency even in the life of the most unconscionable person, who in our terminology would be ruled predominantly by his lower self. He may pursue his morally questionable goals with a high degree of efficiency and skill, giving thereby a kind of structure and coherence to his existence. In relation to the ultimate standard of human action, the ethical End, his life is disordered and undisciplined. Although in a sense not just impulsive—they are organized by the motive of efficiency—his actions are ethically unrestrained. Still, one speaks of the impulsiveness or temperamental drift of the lower self with less danger of being misunderstood when considering a life-style which, after the fashion of romantic and vitalistic philosophies, exults in spontaneous feeling and action. The fundamental

\(^8\) Babbitt, *Democracy and Leadership*, p. 6.
distinction to be kept in mind, however, is that between a life tending towards immersion in the lower self, be it rationalistic or romantic, and an ethically disciplined life.

When using the word "impulse" we are employing it in the wide sense of positive human energy, as a name for the power which carries human action, mental and physical. "Impulse" is not understood as being necessarily blind or unthinking.

The human self, then, is a mysterious unity of two opposing wills, one of which tends to predominate. That man is repeatedly drawn into disharmony and destructivity, or sin, to speak religious language, is a glaring fact of his existence. But his very awareness of moral evil points out the duality of his will. He could know evil will only by good will. We have not only a self which left to itself pulls us in the direction of selfish and transitory goals, but a self that wants what is universally good and enduring. The higher and the lower self together form the human person. Still, by the paradox of dualism only our higher will is recognized by us as our true nature. It carries a special authority, the defiance of which has special consequences, namely feelings of moral guilt.

One of the striking features of modern ethical thought is a tendency to declare that various human experiences are
not really what they are felt to be. "Conscience," it is said, does not represent any objective principle of morality. It can be only a manifestation of subjective norms. The trouble with this and similar allegations is that they do not cover the facts. They lay claim to universal validity, but they do not explain or account for the compelling nature of the sense of moral duty experienced in conscience. If as intelligent human beings we must recognize that conscience is in actual fact "nothing but" the workings of "internalized social norms," why do we continue to behave nevertheless as if conscience had a moral authority of its own? Why do people feel guilt and self-contempt when they go against their innermost notion of how a human being ought really to live? If the modern allegations about conscience are accepted as true, those reactions can only be put down as irrational. To argue, for instance, that men respect moral norms only for fear of punishment or losing the approval of their fellow humans is simply to ignore that ethical conscience is known precisely by the fact that it compels the individual in a certain direction regardless of what the social expectations happen to be.

It should perhaps be repeated at this point that the nature and direction of the moral authority of conscience is not, and could not be, as readily apparent to everyone.
Ethical conscience cannot be described as a distinct voice in each man which states mechanically and without ambiguity the moral course of action in each and every situation to a passively waiting individual. It is a sense of direction which acquires a more definite form, that is, becomes associated with a certain type of life, and reveals more of its compelling nature only as the individual makes an active effort to guide his behavior by it, a process which carries over also into his intellectual, conceptual grasp of reality. In the person, on the other hand, who is more inclined towards a life of sensual gratification, emotional indulgence, or ethically uniformed rationality, it is entirely possible that the strong onrush of desire or ambition will almost drown out the "still small voice" of ethical conscience. To the extent that a person in the latter category does have moral qualms about his life, moreover, he may well be prevented by his relative lack of ethically structured experience and knowledge from identifying the root cause of his uneasiness. The nature of ethical conscience cannot be adequately grasped in isolation from a notion of the type of life which is already ordered morally and intellectually. Moral guilt can be properly recognized as such only within this ethical and conceptual frame of reference, supplied partially by traditions which incorporate a long process of
culture. This is another way of saying that the nature of ethical conscience is revealed only very imperfectly and ambiguously to the person who is morally confused, as defined by ethical conscience itself. In the extreme case of a person who is also mentally disordered, the problem would be compounded. The removal of confusion, then, is not a simple matter of deciding to "listen to conscience," for ethical conscience becomes known to man through a whole orientation of will and reason. Ethical insight must be viewed as the crowning achievement of an entire cultural tradition.®

Man's actual experience of ethical conscience, whether in the form of a sense of censure or approval, makes a non-subjectivistic interpretation highly palatable, even unavoidable. By its very nature, moral guilt would seem to be a sense of having done violence to a norm that is not merely arbitrary. If the norm that has been defied were indeed only subjective, and recognizable by man as only subjective, the feeling of guilt would be a mystery. Categorical relativistic or nihilistic assertions about conscience come up against this difficulty: In the moment of guilt itself at least, men are not able to convince themselves of the truth of that view of morals. The guilt is there. The feeling is

®The important role of tradition in man's ethical life will be explored later in this chapter.
a sense of having violated a sacred purpose; the latter is compelling precisely because it makes subjective wishes irrelevant or unimportant. No amount of abstract explanation which may later be tacked on to the experience can change the sense itself. The allegation that conscience is in reality a mere code-word for subjectivism of one kind or another leaves its moral authority unexplained.

Moral self-contempt and reassurance shows up the duality of the self and the existence of a true human identity. We are not just playing with words when we think and speak of ourselves in a dualistic manner: "I am not myself," "I betrayed my own conscience," "I pulled myself together." By a certain abstract type of logic this use of the word "I" is blatantly contradictory, but by the logic of actual human self-awareness it presents no problem. We are beings of two wills. In More's formulation:

We do not know the flux by the inner check, or the inner check by the flux, or either of these by some other element of our being, but we are immediately and inexplicably conscious of both at once—we are both at once.  

At the same time, only the inner check can be said to be man's true self.  

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11 Cf. Romans, 7:19-23. "For the good that I would I do not: but the evil which I would not, that I do. Now if I do that I would not, it is no more I that do it, but sin
Ethical conscience as a principle of censure and a sense of purpose

Morality points man beyond the flux of changing circumstances. Although finite, he is aware in ethical conscience of a transcendent destiny. Adjusting his life to this lasting goal of human existence he reproduces in this world a measure of that order which he knows as the essence of life. We need to look closer at the process whereby moral order is brought into the finite world. How does the individual come to participate in the Good?

Let it be suggested that moral choice begins in a doubt. The idea of an alternative line of action is not going to occur to a person as long as he has no question about the rightness of his present course. All of a sudden, however, there may come to him the feeling that what he is doing or about to do is fraught with moral danger. Where before there was unquestioning activity, there is moral uncertainty. He is confronted by an internal inhibition, an uneasy sense that performance of the intended act would violate a sacred principle. A tension has appeared between that dwelleth in me. I find then a law that, when I would do good, evil is present with me. For I delight in the law of God after the inward man: But I see another law in my members, warring against the law of my mind, and bringing me into captivity to the law of sin which is in my members."
what he is planning to do and what he ought to do. It has struck a pause in the flow of impulses embodying his original plan. Instead of steady, uninterrupted activity there is a doubt. The halting of outgoing impulses allows the person an opportunity to scrutinize and reevaluate his intentions. A new perspective has been opened up in the light of which he may contemplate alternative lines of action. The essential fact about the inner monologue which is triggered by the stirring of moral doubt is that it is guided by this principle: a moral course must be sought. The inhibition which sets him deliberating consists precisely in the recognition that this motive was lacking in or unsuccessfully applied to his original plan.

The person who acts on the opportunity afforded him by moral doubt will, if he is lucky, come up with a course of action which is not censured, as was his old one, by nagging moral dissatisfaction. He will feel morally reassured. A new determination will fill him. Action is released. The set of impulses which embody his new plan are felt by him to be in consonance with his true purpose as a human being. He has not acted arbitrarily, but with a view to the universal good for man.

A present act or plan of action is thus censured by a pang of moral doubt. This interference with outgoing impulse
is what Babbitt and More call the "inner check." It establishes a spiritual contrast between ethically unordered activity and the higher goal intended for man. There is, let it be repeated, considerable significance in saying that this end is apparent to man in the form of a "check," "inhibition," or "negation." These terms indicate that ethical conscience is not just a human drive among others which sometimes manages to overpower competing impulses. It is not possible to explain ethical order as the self-regulation of impulse. Such an attempt would ultimately end up in clearly unsatisfactory notions of instinctual guidance, which ignore the human reality of conscious intent. Ethical conscience is an interference "from without" with positive human energy. It can order action, because it transcends it. Belonging to the realm of the infinite, it is experienced by man with reference to the endless variety of finite human emotions, ideas, and desires as a principle of censure; it wills not the multiplicity of imperfect human acts but the Perfection of the ethical End.

Nothing could be more tempting than to believe that one's own inclinations carry the authority of divine command. Different theories which tend to regard man's spontaneous wishes as the voice of God have the double attraction of flattering the individual and relieving him of the need to
exert the will. Not only is ethical conscience not to be identified with impulse. It is doubtful that it can be identified with positive human intentions at all. Human actions and plans are finite, ethical conscience an expression of infinite will. For that reason it cannot really be said, except in a very special sense, that ethical conscience gives specific commands. The person who thinks that he is positively ordered to perform this or that act needs to remember that while his motive may be that of ethical conscience, concrete human acts fall short of perfection. Man's higher self points him in a definite direction, that of the moral End, but it does not assure attainment of the goal.

Ethical conscience makes us aware that we must not act arbitrarily, pursuing selfishly our own interests or those of our own group, but that we must instead act morally, seeking the common good which transcends all particularistic wishes. It wants our every action to advance that purpose. The ethical course, however, is not revealed to us in the form of concrete, detailed prescriptions for particular circumstances. What is moral in the particular situation may require considerable deliberation. Even the person who is truly inspired by the motive to act morally may fail in his purpose, for the successful planning and execution of action involves not only a motivating principle, but pragmatic
reason together with a factual grasp of the pertinent circumstances. As Aristotle points out, "goodness in itself is not enough; there must also be the power to translate it into action." However powerful a man's reason or plentiful his knowledge, he can never predict with certainty the consequences of his actions. To be able to achieve at least some success in finding the moral course a person must not only have the right motive, but wisdom and prudence regarding ends and means.

Strictly speaking, then, ethical conscience only reveals the spirit in which we must apply our mental and physical resources. Moral behavior is a human creation conceived under its guidance. That does not mean that the standard of morality itself is subjective. Ethical conscience always wills a definite course of action, the moral course, and motivates man to seek it, only man has to discover its concrete form in the particular case.

Ethical conscience is not only a principle of censure. If it were, it would be a mere negation of human life, demanding ascetism or even death. As already indicated, it is also felt by man as a sense of spiritual purpose. It does not always manifest itself as a check on impulse. It

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gives a kind of approval to certain actions by withholding its censure. Having first bothered an individual with a moral doubt, a sense of threat to his higher destiny as man, it may then suddenly lift its ban when a new course of action is contemplated. That is another way of saying that it gives a kind of sanction to it. The action is felt to participate in man's moral purpose. A set of impulses are, as it were, endowed with the tacit endorsement of the higher self. In this special sense, and then only if it is remembered that the action may not in the end produce the intended result, it may be permissible to say that ethical conscience "commands" certain actions. The idea of a moral command needs to be understood in conjunction with the idea that ethical conscience is also that in man which predisposes against premature certainty regarding the morality of specific acts.\(^{13}\)

The paradox of moral freedom

We are approaching the very center of the paradox of dualism: moral freedom. Man must act to realize his sacred

\(^{13}\)Our notion of ethical conscience, then, should not be confused with a type of moral "intuitionism" which ascribes to specific moral judgments a self-evident, incontrovertible character. What can be said to be "self-evident" according to our theory is not ordinarily the morality of this or that act but the obligation to seek the moral course. Cf. Mary Warnock, *Ethics since 1900* (London: Oxford University Press, 1960), pp. 56-78.
destiny, but the freedom to do so both is and is not of his own making.

Going about his business a person is suddenly aware that he is free to repudiate his present intentions. Mysteriously, out of the clear blue, there is a recognition that he is now moving towards a morally questionable goal. An ethical perspective on what he is doing is opened up. He is presented with a moral choice. Where there was smug complacency or a blind pursuit of ethically unworthy ends, there is an opportunity to reevaluate and reconstruct. In one sense, the freedom to recover one's moral purpose is not of man's own making. It is there, a free gift to accept or reject. It seems appropriate in this context to speak of grace. It should be noted that this opportunity to choose is indissolubly bound up with a sense of moral direction. The moment of ethical choice is not an open-ended predicament. Whenever we say moral freedom, we also say moral duty or responsibility, for its origin is the interruption of impulse by ethical conscience. Man can perhaps be said to be "on his own" in that he does not any longer have to follow his previous immoral plan. But the stirring of ethical conscience is by its very nature a call to respond affirmatively. The individual is invited to act morally. His freedom consists in being able to take advantage of the
opportunity. To resign it is merely to revert to the tyranny of spiritually destructive actions and their necessary consequences. That means giving up freedom. In the most profound sense of the term, moral freedom is to act in accordance with the true end for man. The term does not signify that man is somehow left to carve out his own destiny in a morally undetermined universe. The end of ethical conscience is sacred and compelling. Its authority can be defied, but not repealed.

The paradox of moral freedom has another aspect. The moral person does not passively wait for ethical conscience to interfere with those of his impulses which embody an unethical plan. Although transcendent of finite human reality, ethical conscience should not only be viewed as ordering life from the "outside." It is the higher self of acting human persons. The moral man is striving to be moral. Although he knows that he may be censured when he least expects it, he proceeds on the premise that by trying to act morally he will actually come closer to the goal. In Christian language, one might say that he believes that those who seek shall find.

The moral man does not act at random. From ethical experience he knows that man's true humanity lies in one direction rather than another. He has a memory of being
internally censured or reassured when acting in certain ways. As a result of innumerable choices in the past his personality has been aimed in such a direction as to avoid some of the more obvious pitfalls. Also, he is dependent in his search for the moral not only on private experience. He has access to the general experience of mankind as reflected in long-honored ethical norms. These sources of moral insight form the basis for the development of habits which build a certain ethical momentum into his character.

But what does it mean to try to act morally? It means not to go ahead before having asked the question, "Is this plan moral?" It means to put oneself in the frame of mind where the voice of ethical conscience will not be drowned out by the onrush of strong impulse. But the very opportunity to scrutinize intentions from this higher point of view before letting them pass into action presupposes a reprieve from the flow of ethically unstructured impulse. It requires the occurrence of the inner check. When we talk of trying to act morally, therefore, we are actually already talking about man acting from inside his higher self. By the paradox of dualism, a person's sincere wish to act morally is already an opportunity to do so. The wish itself is a manifestation of ethical conscience. In a sense, moral inspiration cannot be commanded. It is there, or it is not.
But, by the paradox of dualism, it will come to him who seeks it.

**Morality as happiness**

The preceding argument has been an attempt to describe man's moral predicament. It has focused on the nature of ethical conscience and sought to show how it orders human life. Since the discussion has been largely formal, nagging questions of this kind will be lurking in the background: "But what, in substantive terms, is the Good?" "What, specifically, is a moral and immoral principle of conduct?" These questions raise an inexhaustible subject. To even begin to answer them it would be necessary to relate our notion of ethical conscience to the moral traditions of mankind. The Westerner is particularly indebted for his knowledge of what is moral to the classical and Judaeo-Christian body of experience and speculation. The Oriental has available to him sources of insight of similar depth and penetration. What we are exploring here, however, is not so much the normative content of ethical conscience as its way of operation. Morality may be described as a progressive discovery, resulting from a dynamic interplay of ethical conscience, as experienced directly by the individual, and the moral insights of humanity, as reflected in long-respected
ethical norms. We have been trying to describe the process whereby ethical conscience reveals man's transcendent destiny.

But the workings of ethical conscience are indistinguishable from the intrinsic worth of its operation. We have hinted throughout at the positive content of its effects in our use of such words as "meaning," "harmony," and "worth." We shall try to show later in this chapter that ethical conscience is the origin of social community. Even with much longer explications of these terms than can be given here, it would not be possible to show what the Good is in itself. That issue can be dealt with up to a point by philosophical argument, but has to be settled ultimately by direct moral experience. It is recognized that without eliciting referents in the reader's personal experience what little has been said and will be said on the subject here can only seem thin and abstract. Our primary objective is to describe the form taken by ethical activity. However, some additional remarks regarding the positive worth of moral activity may help shed more light on the nature of ethical conscience.

Man's higher will is in one of its aspects a sense of spiritual direction. In the person who is continually trying to order his life by it, it may be described as a sense of happiness. The latter word has been cheapened by assoc-
iation with romantic sentimentalism and by the general vulgarization of terms. It is used here in the sense given it by Aristotle.

There are innumerable standards by which one may assess the quality of life, such as economic production, personal freedom, security, and sensual satisfaction. All of these can be regarded as measures of good. The central concern of ethical philosophy is the ultimate principle with reference to which the relative goodness of everything else may be judged. Aristotle observes that all human activity aims at some good. All goods, however, are not of the same rank. Among ends available to man that is superior to all others which is sought for its own sake. "... we call final without qualification that which is always desirable in itself and never for the sake of something else." 14

Aristotle clarifies by adding:

... honour, pleasure, reason, and every virtue we choose indeed for themselves (for if nothing resulted from them we should still choose each of them), but we choose them also for the sake of happiness, judging that by means of them we shall be happy. Happiness, on the other hand, no one chooses for the sake of these, nor in general, for anything other than itself. 15

Set above competing goods there is thus a standard, definable in one of its aspects as happiness, in terms of


15 Ibid., p. 12 (1097b).
which everything else must be evaluated. Something is good, in the strict sense of the word, to the extent that it contributes to happiness. It is essential to point out that happiness as Aristotle understands it is not simply a feeling of well-being among others. It is a special kind of awareness beyond particular acts and their respective satisfactions. The successful completion of action always results in some sort of pleasure, just as the interruption of action always causes some pain. That is true also of moral acts. The pleasure that follows upon their completion is not happiness, but only a passing feeling of satisfaction. Happiness is the awareness of the unvarying element in morality, the Good itself, in which individual moral acts are only participating. It is the sense of meaning and worth which attends a whole life orientation, marked by continuous effort to seek, not transitory, particularistic, selfish ends, but the enduring, universal, ethical End known in ethical conscience. The happy man is not an Epicurean skillfully maximizing pleasure and minimizing pain. Neither is he an ascetic who renounces all pleasure. He is the man who finds pleasure in the right things: "... those things are both valuable and pleasant which are such to the good man."

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16Ibid., p. 262 (1176b).
In accordance with this important distinction between happiness and pleasure it is quite possible for a moral person to be deprived of success in his dealings and thus also of pleasure, and still be happy, because of the intrinsic value of the orientation of his character. Plato describes the lot of the true philosophers who in a decadent age are denied the influence which is their due:

... they'll find no ally to save them in the fight for justice; and if they're not prepared to join others in their wickedness, and yet are unable to fight the general savagery single-handed, they are likely to perish like a man thrown among wild beasts, without profit to themselves or others, before they can do any good to their friends or society.

In spite of the fact that the good life is thwarted around them, happiness is not beyond their reach, for their own commitment to the Good is not diminished by their lack of success in influencing their contemporaries. Having sought to keep themselves "unspotted from wickedness and wrong in this life," they will "finally leave it with cheerful composure and good hope."17 The most extreme illustration of the same idea, perhaps, would be the martyred saint. Conversely, a person may be highly successful in realizing his plans and thus live a life of pleasure, and yet be unhappy, because of the low moral quality of his goals. It should be added that

according to Plato and Aristotle a life of pleasure and happiness tend to go together under normal circumstances.

To counter a possible misunderstanding it needs to be made clear that Aristotle does not regard happiness as some sort of passive state. "We must," he says, "class happiness as an activity."\(^{18}\) His view of the proper end for man can be summed up by saying that it consists in a special type of activity which makes man happy. ". . . to each man there comes just so much happiness as he has of moral and intellectual goodness and of performance of actions dependent thereon."\(^{19}\) Such activity, in other words, is its own reward. "... it is something final and self-sufficient, and is the end of action."\(^{20}\) Because Aristotle calls the very culmination of this activity "the contemplative life," the modern student used to a non-classical conception of reason stands in danger of underestimating its ethical element. The activity of the good man is first and foremost a process of moral betterment.

The ascent to happiness is a difficult and protracted one. It requires a steady commitment to virtuous action.


\(^{19}\)Aristotle, *The Politics*, p. 257.

"For one swallow does not make a summer, nor does one day; and so too one day, or a short time, does not make a man blessed and happy." Aristotle distinguishes between three levels of human life. The lowest, which is preferred by "men of the most vulgar type," does not aim beyond the pursuit of pleasure. Superior to it is what he calls the "political" life, which presupposes considerable moral attainment and enlists prosperity and other goods as means in the cause of the good life. Higher still, too high, indeed, for all but a very few, is the contemplative life, that in which happiness is achieved to the fullest, as far as it is humanly possible. It requires only a minimum of worldly goods. This highest level of life has many important points of contact with the Christian notion of saintliness.

It should be emphasized in conclusion that happiness is conceived by Aristotle as a social, communal value. It is self-sufficient, not in the sense that it is "sufficient for a man by himself, for one who lives a solitary life, but also for parents, children, wife, and in general for his friends and fellow citizens, since man is born for citizenship." Aristotle's idea of happiness cannot be distin-

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21 Ibid., p. 14 (1098a).
22 Ibid., p. 6 (1095b).
23 Ibid., p. 12, (1097b).
guished from his idea of true friendship, which may be defined as community in the good life and possible only between men of virtue.

The Aristotelian notion of a self-justifying higher activity, which is a realization of life's true end and accompanied by happiness, is closely analogous to the Christian notion of love. It is the Good for the sake of which all other goods are, or ought to be, sought. It is manifested in man's life "in so far as something divine is present in him." At this point the religious person will want to put his own theological interpretation on the terms. We shall refrain, however, from taking up a theological line of argument.

The ethics of community

Man is by nature a social being, said the classical Greek philosophers. They were joined in that view by Christian thinkers. It has been a fundamental tenet of the tradition they started that social life aims beyond cooperation for the attainment of material well-being and social peace to the realization of the good life. Against the background of the above analysis we are better able to understand the process by which this goal is approached.

\[24\text{Ibid., p. 265 (1177b).}\]
We have argued previously that man is capable of cooperation because of his ability to think symbolically. This ability makes possible the planning and organization of activity which is a necessary prerequisite for all social life. Indeed, we have indicated that symbolical consciousness, which is the distinctively human mode of thought, is in essence a social faculty; symbols are not private possessions but detached meanings usable in isolation from the experience to which they refer. It has also been observed that social cooperation has as one of its origins the purely selfish human wish to escape the grimmer aspects of the war of all against all. To that argument we added the important point that without the recognition of an ethical, that is, self-justifying, goal above competing selfish interests, social peace will be highly precarious and ultimately succumb to the centrifugal forces of partisan wills. It remains to discuss how man realizes the good life. It is of man's capacity to achieve that goal that the classical and Christian political philosophers are primarily thinking when they assert that man is by nature social. Because they are concerned not simply with social living, but with the good life, the role of ethics takes precedence.

Social life may be viewed as promoting a wide array of activities and corresponding values. They can be classed
as ethical, intellectual, aesthetical, and economical, defining politics as cutting across these lines. By a civilized society we mean one where these pursuits have attained a high level. Since the worth of everything must ultimately be judged by its contribution to the final purpose of life, civilization first and foremost signifies ethical attainment. The intellectual, aesthetical, and economical life of a society may be said to be truly civilized to the degree that these activities serve the ethical goal. While their respective values of truth, beauty, and economy (efficiency), may have their own organizing principle or intrinsic standard of perfection, they fulfill their proper role only as they advance the purpose of the Ethical. By this definition, a society which has reached a high level of efficiency in attaining its goals, but whose efficiency does not measurably serve the realization of moral ends, would not be civilized in the full sense of the word. The point is vividly illustrated by the early success of the Nazi war machine. Similarly, a society which exhibits a high degree of intellectual activity, but which is only marginally concerned with discovering the truth about the ethical life would be only marginally civilized. The moral goal for society to which all other

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25 This way of categorizing human activity is suggested by Benedetto Croce.
goals are subservient and of which they are ideally supportive we may call community.

We have argued that man is torn between spiritually disruptive and unifying inclinations. In a social context, the disintegrative pull of a person's lower self will put him in conflict with his fellow men. His own particularistic wishes will clash with those of others. An uneasy social peace may be maintained through the restraint suggested by enlightened self-interest, but to the extent that men lead ethically undisciplined lives, community in the real sense of the word will be impossible. Community can emerge only in a society where the centrifugal forces of egotistical interests are tempered by concern for the common good.

By disposing us against what is merely arbitrary and selfish, ethical conscience disposes us against what separates us from others. It wills, not what is in the private interest of certain individuals or groups, but what is good for its own sake. That end is at the same time the good for the individual and the good for all. To the extent, therefore, that men are ruled by ethical conscience, they are unified with others. Just as in the individual moral discipline produces a self-justifying integration of the personality, in society it produces a self-justifying belonging. Community is human association under the guidance of ethical
conscience. Man's true humanity is realized by being shared. It should be understood that community is experienced between those who order their lives with reference to the same universal moral authority. A moral person who refuses to participate in immorality around him may well become isolated or separated. The opposite of separation in this case, however, would not be community.

In one sense, man's effort to achieve the good life can be said to be an individualistic undertaking. It is centered in a moral authority of which the individual is directly aware in himself. It is felt to be so closely associated with his own essential identity that it may be called his higher self. He realizes his true purpose by heeding the Socratic admonition to "know thyself." Also, moral betterment can come about only through personal acts of will. But the type of individualism we are describing has nothing to do with an atomistic view of man and society. The process of spiritual development always points beyond individual personality. Man's higher self is not some private reality, but the potential for true humanity shared by all. Its authority is by its own nature universal, that is, non-individualistic. It is binding on and has effects on all men. This argument connects with Aristotle's teaching about true friendship, which in his view presupposes some
moral elevation among the participants. Because ethical conscience wills the same ultimate end in all men, it can be said with Aristotle that the moral individual "is related to his friend as to himself."26

The individual person is unique, not by virtue of his higher self, but by the meeting in his being of the infinite as known in ethical conscience and the finite as manifested in his particular mental and physical characteristics. Since men live under different circumstances and have different capabilities, ethical conscience does not call men to identical lives. The professor will be able to advance the cause of man's true humanity in other ways than the priest or the businessman, to take just three examples having to do with the individual's occupational situation. What should be carefully noted is that the higher self enlists the uniqueness of each person in one and the same moral cause, as far, that is, as that uniqueness is compatible with the cause. Whatever the particular circumstances, the goal is always this: extending the influence of the ethical will.

Community, then, is experienced, not between skillfully calculating egotists, or, for that matter, between

26Aristotle, The Nicomachean Ethics, p. 228 (1166a). Aristotle's theory of friendship is developed primarily in books VIII and IX.
mere "lovers of humanity" lacking in understanding of man's spiritual nature and destiny, but between individuals who are trying to rise above whatever is separative and disruptive in their characters to what is highest in each of them. The life they attain is not based on subjective whim, but on the supra-individual authority of ethical conscience. They are ordering their lives with reference to a "centre of judgment set above the shifting impressions of the individual and the flux of phenomenal nature." They are unified with each other through loyalty to a self which is the same in all men. In religious terminology, they are unified in God.

In the context of community, the common good is not merely a code-word for successful compromise between clashing selfish interests. It refers to the element in human interaction which transcends private advantage. Such is the nature of a living together at a level of some ethical nobility and general cultural elevation. This type of life, although personally satisfying to the individuals comprising it, does not need to be defended by arguments of self-interest. It is its own justification. Whatever contributes to it can be supported, not because it happens to serve the interests of this or that individual or group, but because it fulfills an intrinsically valuable existence. It is the

27 Babbitt, Democracy and Leadership, p. 9.
societal end for which the civilized man knows that he is intended. In community, men have been brought together at a common center of values. In Aristotelian terminology that center is happiness, in Christian terminology, love.

It should be added that while community is the ethical goal of society, it will never be completely attained. That would presuppose the disappearance of selfish motives from the face of the earth. To the extent that it is realized, community will have to coexist with egotism. Drawing on our previous discussion of the relationship between morality and self-interest, we can say that although the pursuit of private advantage is not morality, it can to a certain extent be bent to fit the purposes of the moral life by the ethical forces of community in the surrounding society, which submit selfishness to a degree of control. To take an example, a businessman concerned only with his own well-being and pleasure and trying to make a profit to further that end may under certain cultural circumstances still help to advance a higher goal. Provided that the market demand to which he is responding is itself cultured and at least partially growing out of a wish on the part of the buyers to realize moral ends, the businessman's desire to make a profit, which is

28See chapter 1, pp. 23-30.
the reward for having served the consumer efficiently, may actually give some support to the ethical life. In spite of the low moral quality of his own ultimate motive, higher goals are served by his economic risk-taking and imagination. Or consider a power-hungry democratic politician who has no motive for his participation in politics than to enhance his own personal influence. In spite of himself, he may in his opportunistic pandering to the voters actually serve morality, provided that the wishes of his supporters have some ethical content.  

The ethical life and tradition

In the course of man's search for his own true humanity there slowly emerges a general sense as to what types of activity contribute to the goal and detract from it. In a society which takes that search seriously, mankind's historical experience regarding the preconditions of a civilized existence will be a valued source of insight and guidance to be drawn upon in the development of specific norms of upbringing and education, of intellectual, artistic, and political activity. All of these will help to buttress the kind of humane social interaction which is ultimately dependent on

29Needless to say, the inference here is not that businessmen are necessarily embodiments of greed or politicians the personification of an all-consuming lust for power.
individual efforts of will. In such a society tradition becomes both an expression of and support for the good life. It helps direct man's will and imagination towards his enduring spiritual purpose. It is a moulding, formative force checking the spontaneous growth of premature, misguided opinion and behavior. One might say that in encouraging in the individual a certain steadiness of action, tradition serves to make the good life habitual. And according to Aristotle, "moral virtue comes about as a result of habit."30

It should be carefully noted that although invaluable as a guide to the good life, tradition never gives final expression to man's higher destiny. Sound tradition grows out of an effort to give positive content to man's sense of spiritual destiny, but that sense ultimately transcends all specific human forms. The good life is unthinkable outside of tradition. Imperfect man is capable of attaining civilization only because he is born into a cultural context which incorporates the experience and insight of his predecessors. The good life is a communal creation, not only in the sense that it entails cooperation of the living, but because it involves the efforts of previous generations. Still, because of the imperfection of all human accomplish-

30Aristotle, The Nicomachean Ethics, p. 28 (1103a).
ments and changing circumstances, tradition must not become an unbending insistence on the status quo. Attempts to put the spirit of civilization in a cultural strait-jacket will stifle and perhaps even kill it. Conventional beliefs and norms must be continually evaluated with reference to man's direct knowledge of the purpose that they are supposed to advance. That is not to say that new circumstances and insights are likely to require basic revisions in the central principles of life, moral norms among them, which are found at the core of mankind's cultural traditions. That would imply that human nature is undergoing fundamental change over time, a contention which is hardly supported by historical experience. Certain other aspects of tradition, those having to do with the application of central principles to new circumstances are more likely to stand in need of alteration or amendment.

It is not contradictory, but philosophically entirely consistent, that those who come to value cultural tradition the most are frequently the same who stress the need for an imaginative and critical assessment of contemporary society. Among them is Edmund Burke. His combination of a respect for ancient custom and willingness to challenge the ways of present society is apparent in his classical statement of
the primary qualification of a stateman, "a disposition to preserve, and an ability to improve." The same outlook is reflected in Burke's statement that "a state without the means of some change is without the means of its conservation." Similar views are expressed by one of Burke's leading American disciples, Russell Kirk. He writes: "In a healthy nation, tradition must be balanced by some strong element of curiosity and individual dissent." It must not be ignored that "the world does change; a certain sloughing off of tradition and prescription is at work in any vigorous society, and a certain adding to the bulk of received opinion goes on from age to age."

It should be added that particular societies may well come into sharp conflict with the cultural traditions that originally created and sustained them. The problem then becomes to determine whether the break with long-respected principles is indeed the result of new, superior insight or

32Ibid., p. 19.
merely the result of a failure to absorb the cultural her-
itage, a slackening of the will and the ability to live up
to the high demands of true civilization. This task of
evaluation, it is evident, requires not only knowledge of
the new beliefs, but a thorough familiarity with the ancient
traditions which have allegedly been supplanted.

What is to be preserved, then, is not tradition as an
imperfect human creation, but a living awareness of man's
higher destiny. The sign of a creative culture would be
that it manages to weed out that in its traditions which is
only temporally conditioned, transitory, or of marginal
value and keep that strong which speaks to man's central and
enduring concerns. The principles of the good life tend to
become reflected in tradition and abhor the flux of contin-
ual change, for they represent the permanent element in his-
tory. Sound tradition, as opposed to mere cultural inertia,
is the ethical, literary, artistic, and political expression
of what man has found to fulfill his own humanity. The civ-
ilized human being is the beneficiary of the historical
process to substitute for what is only transitory in human
attachments that which has enduring meaning and worth. To
relate this point to the Platonic notion of the One and the
many which has supplied the theme for our discussion of the
ethical life, tradition is man's attempt to maintain his grasp
of the Oneness in the infinite variety of human experience.
Having developed with some care the idea of the duality of human nature and the relation of ethical conscience to community and culture, we are in a position to examine in depth the implications of man's moral predicament for the theory of democracy in a more narrow political sense. We need to apply our ethical reasoning to the difficult question of what institutional arrangements can make popular rule compatible with the promotion of the ethical life. Our moral framework established, we shall turn to a consideration of one of the most influential answers to that question in Western political thought, that given by Jean-Jacques Rousseau in the *Social Contract*. An analysis of Rousseau's argument is suggested by the fact that he is widely regarded as a founder of modern democratic thought and by the fact that, directly or indirectly, his ideas form an important part of the hidden assumptions of much political theory in the twentieth century. Our examination of the doctrine of popular majority rule propounded by this seminal thinker is intended to bring some of those assumptions into the open and to expose certain central ethical problems with them which are usually blurred or evaded in modern thought.
The following analysis of Rousseau's theory of popular rule will help to develop a fundamental distinction which, although crucial to democratic theory, is only vaguely recognized and understood by the more influential theoreticians of democracy today. In his effort to reconcile ethics and politics Rousseau becomes the champion of a form of popular rule which may be termed "plebiscitary democracy," one which gives maximum freedom and power to the momentary majority of the people by leaving no legal obstacles which cannot be easily removed in the way of emerging popular wishes. This type of democracy may be defined in contradiction to "constitutional democracy," a form of popular rule designed to promote, not the instant and complete public implementation of the most recent will of the people, but the articulation of the "deliberate sense" of the community, to use a phrase from the American constitutional tradition. Popular majorities are subject to constitutional restraints whose removal would require an elaborate procedure and not only persistent but overwhelming popular support. The purpose of such a form of government is to filter out what is merely transitory or premature in the various expressions of popular will and to enhance the implementation of what is lasting and well-considered. These definitions, it may be argued, refer to two essentially dif-
ferent conceptions of democracy with vastly different ethical implications. They delineate what may well be the fundamental theoretical alternative available to the proponents of popular rule. Intelligent choice between them requires a choice between conflicting answers to central questions of ethical philosophy. To be able to evaluate the validity of Rousseau's germinal theory of plebiscitary democracy we must carefully examine its ethical foundations. It is our purpose to analyze later the concept of constitutional democracy.

An analysis of Rousseau's ideas about popular rule is the more appropriate here since his thinking involves a few important concepts and terms which bear a certain resemblance to some of those advanced in our previous discussion. We have used the idea of a higher and a lower self in man, hinting at the possibility of applying it to a whole people. We have indicated that the higher self, or ethical conscience, is not a merely private, subjective will, but a will common to all men. Rousseau, by way of comparison, distinguishes in the Social Contract and elsewhere between the general will (la volonté générale), which he defines as the intrinsically moral will of the people, and the will of all (la volonté de tous), which is a mere aggregation of their selfish interests. He also speaks of a people's common self (moi commun). It needs to be determined whether these
similarities are substantive or just terminological and superficial.

Rousseau's argument for plebiscitary popular rule in the *Social Contract* turns on the notion of the general will. It will be our task to decide if this concept gives an accurate account of the possible meeting of politics and morality in a democracy. Is the general will the absolute principle of right that it would have to be in order to justify the total freedom and loyalty that Rousseau claims for it? On the answer to this question depends the adequacy of the institutional arrangements for popular rule which he suggests.

We hope to show that there are grave objections to accepting Rousseau's general will as a guiding principle of democratic theory. It is not to be mistaken for the higher will in man which we have called ethical conscience and to which popular rule should properly be adjusted. The thrust of Rousseau's writings is the rejection of the type of dualistic philosophy we have outlined and the affirmation of the essential unity and goodness of human nature. Morality in his thought is synonymous with uninhibited impulse. His idea of the general will and his endorsement of majority rule without constitutional restraints, we shall be arguing,
rest on an illegitimate identification of morality with the immanent reality of spontaneously emerging popular wishes.

If Rousseau's thought can be said to involve any notion of philosophical dualism, it is of a very different kind from the one we have described. For the existential, ineradicable tension in man between a transcendent ethical purpose and contrary inclinations, he substitutes a tension between man and the institutions of conventional society, which places the source of evil somehow outside of the essence of human nature. Writes Robert Nisbet: "Rousseau is the first of the modern philosophers to see in the State a means of resolving the conflicts, not merely among institutions, but within the individual himself."¹ Rousseau's rejection of constitutional limitations on the will of the people, we shall try to show, is indissolubly bound up with a failure to face the moral conflict inside the human soul.

The force of tradition is strong, however, and it causes in Rousseau's writings a measure of ambiguity. Irving Babbitt, one of his severest critics, freely admits: "That there is some survival of the older dualism in Rousseau is beyond question. . . ."² Spread out in his works are sen-

¹Robert Nisbet, Community and Power, p. 140.
²Babbitt, Democracy and Leadership, p. 76.
tences which point beyond and even contradict the normal tendency of his philosophy. Although recognizing this strain, we shall be arguing that in the main the concept of the general will exemplifies the movement away from a transcendent standard of ethics and towards the identification of morality with politics. Rousseau himself admits to basing the Social Contract on the belief that "everything is rooted in politics and that, whatever might be attempted, no people would ever be other than the nature of their government made them." His emphasis on the importance of politics might seem to put him close to Plato and Aristotle, but there are crucial differences stemming from very different views of human nature.

The concept of the general will is developed by Rousseau with the most thoroughness in the Social Contract, and our analysis will be centered in that text. It should be said that we will not be able to give anything like a comprehensive examination of this work, brief though it is. It contains a wealth of ideas, and also ambiguities and contradictions, which can only be dealt with in part and to the exclusion of important points. It may be argued, on the

other hand, that an analysis focused on the general will takes one to the very heart of Rousseau's political thought. While the *Social Contract* will be our primary point of reference, it is not possible to understand fully its line of argument without also consulting some of his other works. The general will needs to be put in the proper philosophical context. This requires a somewhat roundabout approach to the basic text, including some extensive introductory remarks.

Rousseau insisted to the end on the basic philosophical unity of his writings. He is supported in this regard by numerous commentators who at the same time point to inconsistencies and tensions inside this larger unity. The underlying theme of his works is described by Rousseau himself in *Rousseau Judges Jean-Jacques*, where his interlocutor, surveying Rousseau's books, sees "everywhere the development of this great principle that nature made men happy and good, but that society depraves him and makes him miserable."^4 In the *Social Contract*, which is actually devoted to the proposition that there is one type of society that does not have this effect on man, the same theme is developed with a twist.

The basic unity of Rousseau's works is indicated in other ways. In one passage among many where he asserts the

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close ties between our central text and other books, he writes that "all that is challenging in The Social Contract had previously appeared in the Essay on Inequality." In the Emile one finds a summary of the arguments that were later to be published in the Social Contract. Of the latter Rousseau writes that it "should be considered as a kind of appendix" to the Emile and that the two works "together make a single whole." It becomes still more difficult to regard the Social Contract as breaking in central respects with the rest of his thinking, when one considers that under the preliminary title of Political Institutions he worked on it for over ten years, during which time he wrote other major works. Far from regarding it as some sort of deviation from his normal philosophical path, he thought of it as the treatise that would "put the seal" on his reputation.

Rousseau the man and the thinker

It is possible to shed light on Rousseau's arguments in the Social Contract by drawing on his autobiographical writings as well as his formal treatises. It has been often commented upon that it is difficult, or even impossible, in

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5Confessions, IX: 379.
6Quoted in Masters, Rousseau, p. xiii, n. 26.
7Confessions, IX: 377.
the case of Rousseau to distinguish between these two types of writing. His frank descriptions of his "private" life and thoughts must be regarded, in part at least, as statements of his philosophy of life. According to Judith Shklar, for instance, the Confessions are of "utmost significance" in understanding his thought, because he regarded it as "a public act and an integral part of his moral position." The same can be said of other biographical or semi-biographical texts, such as the Reveries of a Solitary, which is called by Rousseau an "appendix" to the Confessions. Many of his private letters are also philosophically highly informative and illuminating.

That Rousseau's own character, temperament, and general attitude towards life are frequently held up by him as representing an ideal is apparent from the texts themselves, but becomes easier to understand when one considers in what high regard he holds himself. Self-assessments of this kind are implicitly or explicitly given in many places: "I . . . believe, and always have believed, that I am on the whole

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the best of men. . . ."\textsuperscript{10} Even more specifically and categorically, he claims to be "quite persuaded that of all the men I have known in my life none was better than myself."\textsuperscript{11} He admits having vices too, but does not quite blame himself for them, since he is aware that they are "due much more to my situation than to myself."\textsuperscript{12} It is not surprising that a person who takes this highly favorable view of himself and who, moreover, is so convinced of his own uniqueness as to believe that nature had to break the mould when it formed him,\textsuperscript{13} should also judge his private life to be of general interest and worthy of emulation.

Another self-assessment by Rousseau which should be kept in mind when interpreting the \textit{Social Contract} and other works is the penetrating recognition that "it is as if my heart and my brain did not belong to the same person."\textsuperscript{14} By the "heart" he means his "passionate temperament, and lively and headstrong emotions."\textsuperscript{15} In innumerable places he draws a

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\textsuperscript{10}\textit{Confessions}, X: 479.
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\textsuperscript{13}See the famous introductory paragraphs of the \textit{Confessions}, I: 17.
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\textsuperscript{14}\textit{Confessions}, III: 113.
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\textsuperscript{15}\textit{Ibid.}, III: 112-13.
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picture of himself as a person who always wants to act on impulse, is moved by his passions, and is frequently engrossed in feelings and imaginings, ranging from pastoral dreaming to pantheistic revery and "dizzy ecstacy." Rousseau's obsessive impatience with everything that tends to restrain his inclinations of the moment is too well-known to require elaboration. The tendency is summed up in his statement that "it is hardly in me to subject myself to restraint." In the *Emile* the theme of removing checks on man's spontaneous self is developed into a program of education, one principle of which is that "the only habit the child should be allowed to contract is that of having no habits." Inextricably intertwined with this yearning for unbridled freedom is the view that "man is naturally good." Rousseau gives this highly instructive key, not only to his personality, but to his philosophy:

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16 *Confessions*, IX: 391.


18 Quoted in Masters, *Rousseau*, p. 3 (emphasis in original).
I give myself to the impression of the moment without resistance and [even] without scruple; for I am perfectly sure that my heart loves only that which is good. All the evil I ever did in my life was the result of reflection; and the little good I have been able to do was the result of impulse.  

The "heart" gives to Rousseau's thinking a pronounced utopian and romantic slant. Radically dissatisfied with society and seemingly constitutionally incapable of coming to terms with it, he is inclined instead to people the world by the help of his "creative imagination" with beings more after his own "heart."  

But this tendency to escape from imperfect reality into "an ideal world" believed by Rousseau to be more "worthy of my exalted feelings," is sometimes checked by moments of sobriety and realism. Speaking about a period of his life particularly given to romantic revery and worship of nature, he writes: "However, in the midst of all that, I confess that sometimes the emptiness of my chimerical dreams suddenly came to my mind and saddened me." It is striking

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20 Confessions, IX: 398.

21 Ibid.

22 Letter to Malesherbes, January 26, 1762, Hendel, Citizen, p. 213.
how Rousseau's "head," his reason guided by a sense of realism, will catch up with his "heart" and force qualifications of or additions to remarks in a more dreamy vein. It revives in him an awareness of the imperfection of life. In his various writings one comes across perspicacious, piercing, hard-nosed comments about the human condition remarkably free of the romantic-utopian slant of the particular work in which they appear. These flashes of realism, however, are seldom more than a temporary counterweight to a strong wish to let the "heart" speak.

An analysis of the romantic-utopian tendency in Rousseau's thought is complicated by the fact that his "heart" does not always crave the same thing. His works are full of the glories of an idyllic, pastoral, and anarchic existence, but in some of them, like the First Discourse, the Social Contract, and the book on the Government of Poland, there are also examples of what may be termed Rousseau's Spartan mood, under whose influence he extolls the virtues of political discipline, nationalism, and soldierly life. Both inclinations, it should be carefully noted, incorporate a preoccupation with freedom in the sense of an absence of restraint. The anarchic bent reflects this propensity in the case of the individual person; the Spartan bent projects the same yearning on to the collective level where freedom is invested in the general will, which is subject to no checks.
For good reasons the *Social Contract* is widely regarded as one of Rousseau's most sober, least romantic works. It does have less of an emotional and impressionistic flavor than some of his other books. Rousseau gives as his intention in the *Social Contract* "to employ solely the power of reason." That remark, on the other hand, is not made in any attempt to depreciate the "heart." Since the *Social Contract* is a treatise on political morality, it is important to be aware of Rousseau's reminder that "by reason alone, unaided by conscience, we cannot establish any natural law, and that all natural right is a vain dream if it does not rest upon some instinctive need of the human heart."

Not even the *Social Contract* can be regarded as a treatise of moral and political realism. As will be demonstrated, it is shot through with utopianism. It might perhaps be viewed as representing an effort to fuse the "head" and the "heart," the latter predominantly Spartan in this work. The attempt is closely related to what we may regard as Rousseau's basic purpose in the *Social Contract*: to state the conditions for the recreation in a social context of the natural goodness and freedom which belongs to man in the state of nature. Reason, Rousseau believes, is

23 *Confessions*, IX: 378 n.

24 *Emile*, IV: 196.
not fully developed in that primitive but happy state, but can achieve its true role and potential in civil society under the right circumstances. The problem is to make sure that it does not remain an instrument for the depravity of conventional society, but takes its inspiration from man's true nature. This attempted bringing together of the "head" and the "heart," it is interesting to note, cannot be said to involve an ordering principle transcendent of both. A careful reading of the Social Contract suggests that there, too, it is the "head" that has to catch up with the "heart" rather than the other way around. The tendency to hide difficulties and blur distinctions, which is largely attributable to Rousseau's utopian bent, is frequently checked but seldom supplanted.

The state of nature

In order to put the idea of the general will in the proper context Rousseau's concept of the state of nature needs to be examined. It is evident that it is central to his political thought and philosophical doctrine in general. In the First Discourse Rousseau argues that civilization has degraded and corrupted man. Deeply alienated from society, he identifies with the plight of the descendants of his own century who will beg "Almighty God" to "deliver us from the
enlightenment and fatal arts of our forefathers, and give back to us ignorance, innocence, and poverty, the only goods that can give us happiness and are precious in thy sight." 

This and many other passages in his works raise the much-debated question whether Rousseau wants a return to a primitive, pre-civilized existence. It is doubtful that it can ever be answered with finality. Rousseau himself appears not to have reached a definite conclusion, but wavers depending on his mood and the subject at hand. Especially in certain autobiographical passages he seems to be longing for some sort of pre-societal, anarchic life:

... I have never been truly accustomed to civil society where all is worry, obligation, duty, and where my natural independence renders me always incapable of the subjections necessary to whoever wishes to live amongst men. 

But in other places he rules out the possibility of actually returning to a primitive existence. In Rousseau Judges Jean-Jacques he claims to have shown in his works that humanity was happier in this "original state," but he goes on to say that "human nature does not turn back. Once man has left it, he can never return to the time of innocence and equality." 

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26 Reveries, VI: 132.
27 Quoted in Cassirer, Question, p. 54.
Even in the *Emile*, which displays more of an individualistic and anarchistic tendency than the *Social Contract*, Rousseau denies that when he sets out to "train a natural man" he wants to "make him a savage and to send him back to the woods." But the clearest indication that he does not envision, or even hope for, a return to pre-societal conditions is the following passage in the *Social Contract*:

> And although in civil society man surrenders some of the advantages that belong to the state of nature, he gains in return far greater ones; his faculties are so exercised and developed, his mind so enlarged, his sentiments so ennobled, and his whole spirit so elevated that, if the abuse of his new condition did not in many cases lower him to something worse than what he had left, he should constantly bless the happy hour that lifted him for ever from the state of nature and from a narrow, stupid animal made a creature of intelligence and a man.

Rousseau never makes it entirely clear if he conceives of the state of nature as an actual historical state, or as an analytical tool, or both. He gives a somewhat different impression depending on his line of argument. The ambiguity is apparent in his description of it as "a state which no longer exists, which perhaps never existed, which probably never will exist, and about which it is nevertheless necessary to have precise notions in order to judge our

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28 *Emile*, IV: 217.

present state correctly." 30 We do not have to resolve the question here. It is certain that whatever else it is, the state of nature is a normative and analytical concept. In Rousseau's own words, it is employed in an effort of "hypothetical and conditional reasonings better suited to clarify the nature of things than to show their true origin." 31 It is an attempt to isolate that element in human nature which is not the product of the degeneracy of historical society. When he writes about separating "what is original from what is artificial in the present nature of man," 32 he is concerned with distinguishing the depravity of civilized man as he now exists from his true, essential nature by virtue of which he can be said to be happy and good.

Rousseau points to two fundamental driving forces in man in the pre-societal state of innocence. The most important is self-love (amour de soi) which is essentially a wish for self-preservation. He differs from Hobbes in believing that "since the state of nature is that in which care of our self-preservation is the least prejudicial to the self-preservation of others, that state was consequently the best

30 The First and Second Discourses (Second), p. 93.
31 Ibid., p. 103.
32 Ibid., pp. 92-93.
suited to peace and the most appropriate for the human race." Rousseau also criticizes Hobbes for not having noticed in the state of nature a second "principle":

\[\text{pity is a natural sentiment which, moderating in each individual the activity of love of oneself, contributes to the mutual preservation of the entire species. It carries us without reflection to the aid of those whom we see suffer; in the state of nature, it takes the place of laws, morals, and virtue, with the advantage that no one is tempted to disobey its gentle voice.}\]

These primordial drives together form the core of man's true nature and are the source of human goodness.

In his quasi-chronological account of the emergence of social life in the Second Discourse, Rousseau writes with longing of "man in his primitive state . . . placed by nature at equal distances from the stupidity of brutes and the fatal enlightenment of civil man." This state, he thinks, was the "happiest" and "best for man." The human race was made to remain in it always, and man "must have come out of it only by some fatal accident, which for the common good ought never to have happened." In this blessed state, man's natural inclinations of self-love and pity made possible both complete individual freedom and independence and a harmonious living together with others, a life of

\[33\text{Ibid., p. 129.}\]
\[34\text{Ibid., pp. 132-33.}\]
\[35\text{Ibid., p. 150.}\]
\[36\text{Ibid., p. 151.}\]
"peaceful anarchy" in Durkheim's phrase. 37 There came a time, however, when because of the pressure of circumstance men started to apply themselves to tasks that a single person could not perform by himself. Individual independence gave way to relations of dependence.

... from the moment one man needed the help of another, as soon as they observed that it was useful for a single person to have provisions for two, equality disappeared, property was introduced, labor became necessary... 38

By this process, which created social relations, man's natural freedom was destroyed and "the law of property and inequality" established. 39 Self-love was transformed into selfish love (amour propre). Before, under conditions of natural equality and lack of interdependence among men, self-love and pity had combined to produce a benevolent identification with others. Now, aided by the development of reason, awareness of inequality gives rise to vanity, snobishness, contempt, and competition. No longer is the individual able to identify with others, he compares himself to them.


38The First and Second Discourses (Second), p. 151.

39Ibid., p. 160.
Existing society, thus, has perverted man's natural goodness and stifled the natural freedom from which it is indistinguishable. And according to Rousseau human nature does not turn back. What, then, could men hope for? Rousseau is opting in the Social Contract for a new type of society and culture, one of Spartan simplicity and in the service, not of conventional artificiality and vanity, but, as far as possible, of man's true nature. Cassirer states the problem in this way: "How can we build a genuine and truly human community without falling in the process into the evils and depravity of conventional society?"40 The goal is to recapture in a social existence, from which there is no escape, man's original goodness, and to inspire this existence, including the sciences and the arts, with the guiding forces of man's natural inclinations. For Rousseau, Leo Strauss observes, "the good life consists in the closest approximation to the state of nature which is possible on the level of humanity."41

The theoretical task of the Social Contract is anticipated in the First Discourse where Rousseau complains of the lack in contemporary societies of a virtuous devotion

40 Cassirer, Question, p. 54.

41 Strauss, Natural Right and History, p. 282.
to the "fatherland." "We have physicists, geometers, chemists, astronomers, poets, musicians, painters; we no longer have citizens. . . ." What is needed is a new type of social cohesion. Rousseau sets out to show in the *Social Contract* how man's natural freedom can be recreated in civil society by attaching each individual to a common goal.

"How to find a form of association which will defend the person and goods of each member with the collective force of all, and under which each individual, while uniting himself with the others, obeys no one but himself, and remains as free as before." This is the fundamental problem to which the social contract holds the solution.

Rousseau claims to have viewed his task in this light:

"What is the nature of the government best fitted to create the most virtuous, the most enlightened, the wisest, and, in fact, the best people, taking the word 'best' in its highest sense?" I believed that I saw a close relationship between that question and another, very nearly though not quite the same: "What is the government which by its nature always adheres closest to the law?"

The law, it becomes clear in the *Social Contract*, is the general will, described by Rousseau as a law that a people, meaning each member, gives to itself. This is the answer to his rhetorical question, "By what inconceivable art

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42 *The First and Second Discourses* (First), p. 59.


has a means been found of making men free by making them subject. . . ?"45

**Morality or slavery**

The analysis of the general will is complicated at almost every turn by the abstract, utopian nature of much of Rousseau's thinking. His proneness to speculate in isolation from imperfect reality is illustrated by the conception of slavery which is implied in his famous remark that "man was born free, and he is everywhere in chains."46

According to Rousseau's definition, slavery entails "absolute dominion for one party and absolute obedience for the other." It means that "you take away all freedom of the will" from the weaker party.47 On the basis of this definition, one may ask if there has ever been a genuine case of slavery. Is there in the real world an example of a relationship in which one person has total power over another? The subjugated person, it would seem, never, short of death, completely loses the freedom to defy his oppressor.

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in thought or deed. In the extreme case, he can accept death rather than submission to another will. Where slavery is concerned, the master has got only limited power. If he wants to get any work out of the slave or avoid his hatred, he must be willing to give some consideration to his needs and wishes. In the real world, in other words, there is even in a slave-master relationship an element of "reciprocity" and "mutual obligation," a recognition of "rights," something which Rousseau rules out by definition: 48 "The words 'slavery' and 'right' are contradictory, they cancel each other out." 49

The same abstract way of thinking marks Rousseau's criticism of "the right of the strongest." Surely, that principle cannot be the basis for obedience to political authority, he believes. Such authority, if it is to be legitimate, must be based on the free consent of the governed. "Force," he argues, "is a physical power; I do not see how its effects could produce morality. To yield to force is an act of necessity, not of will. . . ." 50 One of the many problems with this statement is Rousseau's artificially narrow conception of what constitutes "force" in human

49 Ibid., p. 58.
50 Ibid., bk. I, ch. III: 52.
relationships. He ignores such intangible but nevertheless very important sources of power as intelligence, beauty, and "charisma." We have already questioned the idea that yielding to force is ever a "necessity." Implied in this discussion of right, however, is a notion of even greater importance, namely that all legitimate political authority must rest on pure morality. Right has nothing to do with force, says Rousseau. Morality is what it is regardless of the power of disputing individuals.

But Rousseau is discussing the basis for a lawful political order. What about actual legal rights as we know them in society? Are they not, in part at least, the result of a balancing of political power, a result of compromise under the guidance of more or less enlightened self-interest? It would seem that an adjustment to "force," in the expanded sense of non-moral influence, is an almost unavoidable ingredient in all legislation. In his discussion of political right Rousseau simply rules out that laws might derive some legitimacy from compromise between the various powers that be. For political authority to be acceptable it must rest on morality alone. This, he believes, can be achieved by a social contract which is entered into freely on a basis of equality. It substitutes "a moral and lawful equality
for whatever physical inequality that nature may have imposed on mankind."

Rousseau defines "right" and "force" in such an unrealistic way that no really legitimate state can be said to have ever existed, and so that the true state he envisions must of necessity be a utopia, an ideal which flies in the face of historical experience. Political legitimacy he views as synonymous with morality, as he understands it.

The "head" makes Rousseau admit that even in the state founded on the social contract it is possible that an immoral popular will, the will of all, which is presumably based on mere "force," will sometimes challenge the general will. But the "heart" does not relinquish control. It prevents Rousseau from seeing that as a practical matter it may be necessary to give some political recognition to what he dismisses as the will of all. He assumes the existence of a popular will which is an expression of pure morality, and as such it alone deserves any consideration. We have argued before that no civilized state can be built on motives of mere selfishness, however sophisticated. Yet, given human nature as it is known in real life, it appears inescapable that a balancing of conflicting interests will

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always be a fundamental need in politics. Rousseau is relieved by his utopian frame of mind from confronting and dealing with this important issue. The choice for him is clear-cut: morality or slavery.

The rebirth of natural freedom

But a utopian slant does not automatically render an idea in political philosophy worthless. It may still offer a valid standard for judging imperfect reality and thus a sound inspiration for political change. We need to decide whether Rousseau's concept of the general will falls in that category.

The general will is the result of an act of association, in which each individual voluntarily gives up his natural freedom. The articles of association, Rousseau writes, "are reducible to a single one, namely the total alienation by each associate of himself and all his rights to the whole community." Rousseau is emphatic in his point that "every individual gives himself absolutely" so that he can no longer claim any rights whatever. Through the social contract his rights are transferred to the collective as epitomized in the general will. The latter becomes the inalien-

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able and indivisible sovereign. Rousseau speaks of the appearance of "an artificial and collective body" which "acquires its unity, its common ego [moi commun], its life and its will."\(^{53}\) He calls this organism, "resembling that of man,"\(^{54}\) "the public person."\(^{55}\) It is

\[\ldots\] a moral being possessed of a will; and this general will, which tends always to the preservation and welfare of the whole and of every part, and is the source of the laws, constitutes for all members of the State, in their relations to one another and to it, the rule of what is just or unjust. \ldots\]\(^{56}\)

By his participation in this will the individual attains social freedom. "The public person," Rousseau contends, is completely free, for "it would be against the very nature of a political body for the sovereign to set over itself a law which it could not infringe."\(^{57}\) The sovereign is itself the Law.

Through the ingenious postulation of a "public person," made up of each of the citizens and governed by a will which is by definition moral and free, Rousseau has recreated in a social cast the natural freedom which man has lost. It

\[\text{\footnotesize 53} \text{Ibid., p. 61.}\]

\[\text{\footnotesize 54} \text{Political Economy, p. 289.}\]

\[\text{\footnotesize 55} \text{The Social Contract, bk. I, ch. VI: 61.}\]

\[\text{\footnotesize 56} \text{Political Economy, pp. 289-90.}\]

\[\text{\footnotesize 57} \text{The Social Contract, bk. I, ch. VII: 62.}\]
should be noted that in their international relations each "public person" is in the state of nature.\textsuperscript{58} By his participation in the collective will of the people, the individual is at the same time totally subjugated to a unifying political authority and his own master, for the general will grows out of a will in each person, and "obedience to a law one prescribes to oneself is freedom."\textsuperscript{59} The individual need not fear a misuse of power by the sovereign, for a body cannot wish to injure one of its own members.

In the civil society which is established by the social contract, Rousseau argues, human actions become guided by justice and acquire "the moral quality" they did not have in the state of nature. Where before man was ruled by mere instincts, primary among them self-love and pity, he now has the use of the developed faculties of man as a creature of society, including reason. These together make for a social consciousness previously lacking. Through the social contract, so we may interpret Rousseau's thinking, these faculties are put at the disposal of man's natural inclinations to produce a general elevation of the spirit. There appears a sense of duty and right. In the words of John Charvet,

\textsuperscript{58}\textit{Political Economy}, p. 290.

"the new social consciousness is founded on nature, but at the same time completes it."  

It should be injected that also in the Social Contract Rousseau is vacillating between a chronological and conceptual analysis, without ever removing the ambiguity. In his discussion of the social contract he claims to be speaking of "the passing from the state of nature to the civil society." Yet, he is positing that the contracting individuals already possess the social consciousness which is also alleged to be the result of a social existence.

What is it about the social contract that makes it possible to avoid the degeneration that has afflicted historical societies? A crucial factor is that it is based on equality:

... the social pact, far from destroying natural equality, substitutes, on the contrary, a moral and lawful equality for whatever physical inequality that nature may have imposed on mankind; so that however unequal in strength and intelligence, men become equal by covenant and by right.  

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62 Ibid., bk. I, ch. IX: 68.
It will be remembered that according to Rousseau it was the appearance of inequality through the idea of property that gave rise to the perversion of natural self-love into vanity and other kinds of depravity. These are symptomatic of a lack of identification with others. This may be avoided in society, Rousseau believes, by creating the circumstances under which self-love, which is "always good, always in accordance with the order of nature," can, as it were, come into its own again. "Extend self-love to others and it is transformed into virtue, a virtue which has its root in the heart of every one of us." Under the social contract self-love becomes a powerful moral force, for the citizens "all pledge themselves under the same conditions and must all enjoy the same rights." These conditions of equality, including an absence of relations of dependence, make possible the identification of each citizen with all others. Together with natural pity, so we may interpret Rousseau's meaning, self-love inspires a strong sense of social belonging. This new type of identification, which is made possible by the development of man's faculties and associated by Rousseau with morality, can be said to be

63*Emile*, bk. IV: 174.
"founded on nature insofar as the love of others follows from and is a completion of one's natural self-love (amour de soi)."  

It is important for the proper understanding of the general will to be aware of the role that Rousseau ascribes to self-love. The love of mankind is "nothing but the love of justice within us," he points out in the Emile. This love of justice, let it be carefully noted, is rooted in man's primordial instincts. In an illuminating footnote essential to grasping Rousseau's conception of morality, he writes: "The love of others, springing from self-love, is the source of human justice." The same idea is expressed in the Social Contract:

How should it be that the general will is always rightful and that all men constantly wish the happiness of each but for the fact that there is no one who does not take that word "each" to pertain to himself and in voting for all think of himself?

Morality, in other words, is a social version of private self-love by way of an identification with others. When one remembers that self-love in the state of nature is essentially a wish for physical self-preservation, it is not

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67Emile, bk. IV: 215.
68Ibid., p. 197 n.
surprising to find that in several places in the Social Con-
tract and elsewhere Rousseau formulates the goal of the
state in terms of mutual protection. If you look for the
motives which make men unite themselves in civil societies,
he writes, "you will find no other motive than that of assur-
ing the property, life, and liberty of each member by the
protection of all." 70 We shall return, however, to the
moral implications of his notion of self-love.

While there is abundant evidence for viewing the gen-
eral will as a collective, "extended" version of man's nat-
utal inclinations, it is clear that it is not simply some
enlargement of self-love and pity as they appear in the
state of nature. The general will emerges in a social con-
text, where man has been transformed from a "narrow, stupid
animal" into a "creature of intelligence and a man." It
benefits from conditions under which man's different fac-
culties are "exercized and developed." 71 We may view the
general will as the result of putting these faculties at the
disposal of man's true nature. Deriving their propelling
force from man's original inclinations, they are rescued
from becoming the tools of degeneracy and instead become
constitutive elements of a wholly moral political will.

70 Political Economy, p. 293.
Not only does the general will occur in a social environment, it speaks about social problems. Projected through the prism of social life, man's original inclination towards what is good is applied to a whole new range of concerns and possibilities. To Rousseau falls the task of showing what is conduct according to nature under these circumstances. About that subject we shall have more to say.

Individualistic collectivism

It is assumed by Rousseau that the general will is not some sectional, particularistic, arbitrary expression of opinion. On the contrary, it is the very principle by which morality is defined. In spite of that, Rousseau frequently speaks of the general will as a mere aggregation or harmony of "private interests."

It is what is common to those different interests which yields the social bond; if there were no point on which separate interests coincided, then society could not conceivably exist. And it is precisely on the basis of this common interest that society must be governed.72

Speaking of the "individual desires" of the citizens, Rousseau asserts that "if we take away from these same wills, the pluses and minuses which cancel each other out, the sum of the difference is the general will."73 The same emphasis

73 Ibid., bk. II, ch. III: 72-73.
on numbers marks his contention that for the general will to be truly general "all the votes must be counted." Referring to the proposals of the lawgiver, but laying down a general principle, Rousseau maintains that "there can be no assurance that an individual will is in conformity with the general will until it has submitted to the free suffrage of the people." In another context he states without equivocation: "Any law which the people has not ratified in person is void; it is not law at all." The clear implication is that the general will does not exist apart from an actual vote in the popular assembly. The element of egalitarian individualism in Rousseau's thought becomes even more evident in his example of the state with ten thousand citizens. In this state, he argues, each person has got only a "ten-thousandth part of the sovereign authority." These and similar statements in the Social Contract and other works would seem to indicate that the general will results from some sort of cancelling out of extreme or abnormal opinions and an addition of the remaining private interests

74 Ibid., bk II, ch. II: 70 n.
75 Ibid., bk. II, ch. VII: 86.
76 Ibid., bk. III, ch. XV: 141.
77 Ibid., bk. III, ch. I, 103.
of the citizens. But if the general will is transcendent of all particular wills, one may ask, why all this talk of private interests, numbers, and ratifications in person?

While it is evident that there is a strong connection between Rousseau's egalitarian individualism and his idea of the general will, he concedes that absolute authority cannot be claimed for just any numerical majority. It should be clear, he writes, that "the general will derives its generality less from the number of voices than from the common interest which unites them." And although he never develops the idea with consistency and clarity, he hints at a basic opposition between private interests and the general will in his distinction of the latter from the will of all: "... the general will studies only the common interest while the will of all studies private interest, and is indeed no more than the sum of individual desires." This passage, however, is immediately followed by the sentence previously quoted, which describes the general will as the result of a process of cancelling out and addition of particular wills.

Rousseau is trying, on the one hand, to present the general will as an absolute standard and, on the other hand,

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78Ibid., bk. II, ch. IV: 76.
to make it somehow dependent on the assent of the individual as a separate entity. The closest he comes to joining these two perspectives, it may be gathered from his partially contradictory statements, is the belief that under certain circumstances majority assent serves to confirm a will that is somehow latent in the people, but actually manifested as the general will only in a vote by the popular assembly. Such a rendering of his thought does not remove, but only restates, the basic ambiguity.

One important cause of Rousseau's difficulty is that he does not conceive of man as by nature a social being. Man by himself, he believes, "is entirely complete and solitary." The general will, therefore, could not be the structuring principle of man's essential nature. It must be some kind of addition, extension, or merging of individuality. Man's social nature has to be created from this core. Rousseau writes: "The constitution of a man is the work of nature; that of the state is the work of artifice." Elaborating on this theme, he argues:

If it is good to know how to deal with men as they are, it is much better to make them what there is need that they should be. The most absolute authority is that which penetrates into a man's inmost being, and concerns

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80 Ibid., bk. II, ch. VII: 84.
itself no less with his will than with his actions. It is certain that all peoples become in the long run what the government makes them. . . . Make men, therefore, if you would command men: if you would have them obedient to the laws, make them love the laws, and then they will need only to know what is their duty to do it.82

The general will, we are forced to believe, is not a pre-existing, universal principle or even a sense of political direction somehow derived from such a principle, but a standard that is made. As Rousseau says in the Social Contract, it is a law that man gives himself. What rescues Rousseau from the accusation of complete arbitrariness is his attempt to base the general will on what is good by nature. It has moral authority, he believes, because it springs from the individual's original inclinations.

The general will and representation

One of the most noteworthy elements of Rousseau's argument in the Social Contract is the sharp distinction between the legislative and executive function in the state. According to him all legislative authority belongs to the general will which "must be general in its purpose as well as in its nature . . . and should spring from all and apply to all."83 The general will "cannot relate to any partic-
ular object." The application of general rules to specific cases falls to the executive power, which Rousseau variously calls the government, the magistrates, or the prince. The executive function is completely subject to the sovereign general will. While the legislative power must be exercised in a democratic fashion with all the citizens participating in the vote, executive decisions can be entrusted, depending on the circumstances, to a single magistrate, which Rousseau calls monarchy, just a few, which he names aristocracy, or the citizens as a whole, which is what he gives the name democracy.

Rousseau's insistence on a sharp distinction between the executive and legislative, it may be argued, is symptomatic of a basic philosophical confusion involving an attempt to set up as absolute a political standard which is in fact much less than universal. We may expose some of that confusion by analyzing his view of representation.

As far as the legislative function is concerned Rousseau flatly rejects the idea of representation. It is ruled out by the very nature of the general will. "Sovereignty cannot be represented, for the same reason that it cannot be alienated; its essence is the general will, and

84Ibid., bk. II, ch. VI: 81.
will cannot be represented—either it is the general will or it is something else..."

And he goes on to say:

"Since the law is nothing other than a declaration of the general will, it is clear that there cannot be representation of the people in the legislative power...

In a famous illustration of his meaning Rousseau disputes the claim of the English people to be free. In reality, he points out, it is free only when it elects members of the Parliament. "... as soon as the Members are elected, the people is enslaved..."

Rousseau's hostility to representation is further evidence of the view that the general will is inseparable from actual popular decisions. If it did transcend them and could be known by men individually, there would be a possibility of legislators representing the citizenry. Having ruled this out, Rousseau still does not face the problem that each single person can hardly be present for every vote in the assembly. Also, those who are yet too young to be members will be affected by laws that are passed by it. If this apparent violation of Rousseau's rule that laws must

85Ibid., bk. III, ch. XV: 141.
86Ibid., 142.
87Ibid., 141.
"spring from all and apply to all"\textsuperscript{88} is not to nullify all actual legislation, it would seem that those not participating in the vote must somehow be represented by those present in the assembly.

Curiously, Rousseau drops his emphatic opposition to representation in his discussion of the executive function of the state: ". . . there may and should be such representation in the executive power, which is only the instrument for applying the law."\textsuperscript{89} To understand the importance to Rousseau's thought of the distinction between legislative and executive we need to look closer at his idea of general laws and particular applications.

Rousseau's notion of general laws, i.e., of manifestations of the general will, is extremely difficult to pin down. The reason is the tension produced in his thought by his attempt to join together to the point of identification what cannot be joined completely, if at all, namely the absolute standard of morality, on the one hand, and expressions of political will, on the other. Vaguely aware that the ultimate principle of right and wrong cannot simply be identified with specific political acts, but at the same

\begin{itemize}
\item \textsuperscript{88}Ibid., bk. II, ch. IV: 75.
\item \textsuperscript{89}Ibid., bk. III, ch. XV: 142.
\end{itemize}
time anxious to present the will of the majority of the people as the final standard of morality, he is led to con­ceive of the laws passed by the general will in a highly abstract manner.

For a legislative act to be truly a law, Rousseau argues, the matter it deals with must be "as general as the will which makes it." The idea is explained further in his statement that

...every act of sovereignty, that is every authentic act of the general will, binds or favours all the citizens equally, so that the sovereign recognizes only the whole body of the nation and makes no distinction between any of the members who compose it.

As if this standard were not difficult enough to apply to real political life, he points out that "the law considers all subjects collectively and all actions in the abstract." Negatively stated, the general will "loses its natural rectitude when it is directed towards any particular and circumscribed object."

It may be asked what a law would be like which does not favor or disfavor any citizen, but deals identically

\[90\text{Ibid., bk. II, ch. VI: 81.}\]
\[91\text{Ibid., bk. II, ch. IV: 76.}\]
\[92\text{Ibid., bk. II, ch. VI: 82.}\]
\[93\text{Ibid., bk. II, ch. IV: 75.}\]
with all of them. It should be noted that Rousseau is not just talking about a law that is inspired by a selfless, sincere commitment to the common good, but about one that actually "binds or favours all the citizens equally." Can such a piece of legislation be imagined? Barring the postulation of complete equality, including removal of all individual uniqueness and differences of circumstance, it would seem to be impossible. Not surprisingly, whenever Rousseau offers concrete examples of genuine laws, he appears to compromise his principle of generality rather severely.

According to Rousseau the sovereign does not have the right to "impose greater burdens on one subject than on another." That would seem to rule out even broadly formulated laws of the type that "all able-bodied men shall be liable to induction into military service," or that "all shall be taxed according to a certain rate." Clearly, even such laws would be more of a burden on some people than on others. Still, in regard to taxes Rousseau lays down the basic rule that they should depend on "a general will, decided by vote of a majority, and on the basis of a proportional rating which leaves nothing arbitrary in the imposi-

94 Ibid., bk. II, ch. IV:77.
tion of the tax."^{95} Whether arbitrary or not, it is anything but self-evident that the principle of proportionality affects "all the citizens equally." Indeed, it is difficult to see how any one rate of taxation could accomplish this goal. It is worthy of note that Rousseau even gives his support to the idea of taxes as a "fine." Heavy taxes should be laid, he thinks, "on all that multiplicity of objects of luxury, amusement, and idleness, which strike the eyes of all."^{96} Although it is not entirely clear whether he regards punitive taxes as a matter of legislation or just an executive application of legislative authority, the example only makes explicit the unavoidable element of discrimination in all actual laws. So long as no two individuals are identical and live under identical circumstances, laws, however "general" in formulation, will affect them differently. Not only that, no two members of a popular assembly will be able to conceive of the meaning and consequences of a proposed law in the same way. Generality in the strict sense is threatened from both directions.

In a discussion of actual pieces of legislation Rousseau cannot but infuse his concept of generality with

\textsuperscript{95}\textit{Political Economy}, p. 320. In the \textit{Social Contract} Rousseau has some reservations about taxation, preferring instead "compulsory service." Bk. III, ch. XV:140.

\textsuperscript{96}\textit{Political Economy}, p. 328.
various kinds of particularity. By definition, a civil law cannot affect all equally. It discriminates in favor of a certain state of affairs. To speak of a law without any bias for or against individuals or groups is to speak of a pure abstraction, which does not become any more meaningful because allegedly a manifestation of pure morality. In its implied disregard for the uniqueness of individuals and circumstances, Rousseau's notion of the generality of law calls to mind Kant's famous ethical rule that we should always act in such a way that the principle of our action could become the standard for universal legislation. Both have a disembodied quality growing out of abstract egalitarian assumptions at odds with infinitely diverse human reality.

We are arguing, then, that all legislation is adjusted to special circumstances and directed towards a particular end. When Rousseau writes, for instance, that some laws in the state will have to be designed specifically to meet the needs of a certain country, he is revealing an element of particularity which is necessarily present in some form, not only in every law, but in every human act. The generality of law, in other words, is not a distinct philosophical category, but a matter of more or less on a continuum.

But if legislation has in it always a measure of particularity and application to special circumstances, it
cannot be sharply distinguished from executive acts. The philosophical artificiality of this division becomes the more apparent the more one considers concrete examples. Take, for instance, a popular assembly which appropriates money for some public project. Is it exercising legislative authority, or has it assumed an executive function? Needless to say, one could give examples of decisions with more of a "legislative" slant and less of an "executive" slant, and vice versa. The point is that it would not involve a jump from one philosophically distinct category of political action to another, but only a movement along a sliding scale.

Rousseau's purpose is to establish the absolute authority of the general will of the people. To accomplish that he needs to keep it untainted by all apparent arbitrariness and particularism. He is sufficiently under the influence of the classical and Judaeo-Christian tradition not to make an easy identification of pure morality, even as he understands it, with specific political acts. He suggests a fundamental difference between the general will as such and the multiplicity of particular applications. Hence his distinction between the sovereign and the "government."

... executive power cannot belong to the generality of the people as legislative or sovereign, since executive power is exercised only in particular acts which are outside the province of law and therefore outside the
province of the sovereign which can act only to make laws.97

The introduction of this distinction places Rousseau in an impossible position. In so far as he wants to preserve the generality, and thus the morality, of the general will, he is forced to make of it a meaningless abstraction, and in so far as he wants to present it as a real, positive force in politics dealing with concrete matters, it loses its generality.

Rousseau is not satisfied, as is Plato and Aristotle and their Christian counterparts, with envisioning the possibility of politics as participation in the ethical purpose of life. He wants morality to be manifested to the full in the state, in the sovereign people. The theoretical result, his notion of the general will, must be regarded as an adulteration of the genuine standard of morality and the absolutization of a political principle which is far from universal. If a law is truly general in the strict sense of transcending all particular circumstances, it cannot also be a civil law or a political will, be it legislative, however "general," or an executive application of legislative authority; and if it is a manifestation of immanent reality, it is that much less than universal and absolute. Rousseau's wish

to invest the collective will of the people with unlimited authority and freedom prevents him from seeing that with reference to the real standard of morality both legislative and executive acts could only be imperfect applications to particular circumstances. Proceeding on the premise that man is naturally good, neither is he held back by a recognition that the ability of the state to play a moral role is severely circumscribed by the inherent weakness of human nature.

Rousseau's hostility to the idea of representation is directed not only against the narrowly political concept. It derives from his unwillingness to accept an ethical principle which might restrain political authority and leave men an appeal beyond the decisions of the state. As will be discussed further, his notion of morality in the Social Con­tract is indistinguishable from a wish to secure the complete unity of the political order. This unity would be threatened by the admission that politics is at best only an attempt to represent a standard above all particular societies and particular wills. The moral authority of the state, he thinks, must be under no suspicion.

The rejection of constitutionalism

The same unwillingness to place politics under a higher law is reflected in Rousseau's emphatic denunciation of
constitutionalism. "... the supreme authority can no more be modified than it can be alienated; to limit it is to destroy it. It is absurd and self-contradictory that the sovereign should give itself a superior..."\textsuperscript{98} Using the analogy of an individual person he asserts that "it is absurd that anyone should wish to bind himself for the future."\textsuperscript{99} The same holds true for an entire state: "... it would be against the very nature of a political body for the sovereign to set over itself a law which it could not infringe."\textsuperscript{100} Rousseau's usual abhorrence of constraint translates into the idea that the people should always be completely free to alter its laws. "Yesterday's law is not binding today," he writes.\textsuperscript{101} He even goes so far as to say that if the people chooses "to do itself an injury, who has the right to prevent it from doing so?"\textsuperscript{102} So concerned is he with laying down the absolute freedom of the sovereign that he forgets that he has already defined the general will in such a way that it could not yield an injurious decision.

According to Rousseau, it is an advantage from the standpoint of securing respect for laws if they acquire the

\textsuperscript{98}Ibid., bk. III, ch. XVI:144.  
\textsuperscript{99}Ibid., bk. II, ch. I:70.  
\textsuperscript{100}Ibid., bk. I, ch. VII:62.  
\textsuperscript{101}Ibid., bk. III, ch. XI:135.  
\textsuperscript{102}Ibid., bk. II, ch. XII:99.
dignity of age. Still, constitutional rules which cannot be as easily changed as other laws are expressly forbidden. Setting down what would appear ironically to be a more rigid and fundamental provision than any constitutional requirement, he proclaims that at the opening of each assembly the people must be asked if it pleases them to maintain the present form of government. "... there is not in the state any fundamental law which may not be revoked, not even the social pact. ..."\(^{103}\) It is difficult not to suspect a strong connection between this view and Rousseau's pervasive autobiographical theme, "I love liberty; I hate embarrassment, worry, and constraint."\(^{104}\)

We have already noted that there is in Rousseau's thinking a pronounced majoritarian tendency. What is right, he claims, becomes revealed by majority vote, provided that those voting be properly informed about the issue at hand, that they make up their own minds and are not affected by any sectional interests. When the majority has spoken, the minority cannot legitimately persist in its views and try to convert the majority, for it has now been proven wrong. Presumably, it should immediately give up its mistaken, selfish opinions. Indeed, since there is in politics only a

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\(^{103}\)Ibid., bk. III, ch. XVIII:148.
\(^{104}\)Confessions, bk. I:46.
wholly right and a wholly wrong, there would seem to be no reason why the state should tolerate opposition. In view of Rousseau's prohibition against all "sectional associations," it is difficult to see how any effective, organized opposition could exist.

Rousseau makes no allowance for the possibility that even under the most favorable conditions of abundant information and public-spiritedness the majority might only imperfectly express the general will. That recognition would point to the need for constitutional provisions designed to bring out the best in its opinions and restrain what is not worthy of public implementation. But Rousseau does not, and cannot if he is to preserve his concept of the general will, concede the existence of any political shades or nuances. "... either the will is general or it is not. ..." 105

Differences of opinion in the state must fall in a black-and-white category.

Rousseau's sense of realism does interfere with the easy flow of his thought. He admits that in practice the majority may not always be right. By inference, the minority is not always wrong. In the face of the danger that the will of all dethrone the rightful popular will, one might

expect that Rousseau would give at least some serious thought to placing constitutional restrictions on the momentary freedom of the majority. If the general will does indeed express the permanent, common interest of the people, it would seem that its public implementation would not be hurt by having the wishes of the majority filtered through a system of institutional checks by means of which they could prove their quality as the enduring popular will. It would appear logical that Rousseau should also lay down some practical guidelines for restraining a powerful minority, which, claiming to speak for the general will, might try to usurp the role of the majority. But he speaks only of an "obligation on the minority to accept the decision of the majority." That, in the absence of any constitutional guarantees supported by a tradition of constitutional morality, is scant protection against the possibility of tyranny. That this type of threat is real enough is evidenced by innumerable examples in world history, and particularly well, in modern times, by communist parties which claim to embody the true will, not only of a particular people, but of mankind as represented by the proletariat.

Some further examples in Rousseau's thinking of a seemingly inexorable movement in the direction of constitu-

tionalism which is never completed but suddenly reversed might be cited. "By themselves the people always will what is good, but by themselves they do not always discern it," Rousseau writes. He also speaks of the people as a "blind multitude."\footnote{Ibid., bk. II, ch. VI:83.} This assessment would seem to point directly towards putting some legal checks on their will and having popular representatives articulate their interests. But these rather deprecating remarks describe the people only prior to the establishment of the new political order. Yet, also in the state founded on the social contract, as we have seen, Rousseau envisions some difficulties. He is deeply concerned about the danger that the executive might usurp the authority of the sovereign. To protect against such abuse, Rousseau prescribes "fixed and periodic assemblies which nothing can abolish or prorogue. . . ."\footnote{Ibid., bk. III, ch. XIII:137.} But although this and other institutional provisions in the \textit{Social Contract} would appear to be unconditional and more fundamental than any law, they are never coupled with suggestions for constitutional protection of the arrangements in question. Not even the laws provided by the lawgiver, which found the new political order, are to receive any such sanction. In a passage which brings Rousseau perilously close
to the forbidden idea, he writes: "It is true that . . . one should never touch an established government unless it has become incompatible with the public welfare. . . ."\textsuperscript{109} As though aware of the constitutional implications of this position, Rousseau hastens to add that "such circumspection is a precept of politics and not a rule of law."\textsuperscript{110} Nothing must stop the people from making whatever changes it wants at any time. Significantly, Rousseau is assuming that it would never occur to the citizens of the new state to protect the general will against the immoral will of all by means of constitutional rules. Apparently the sovereign needs and wants complete freedom of movement. Even an attempt to restrain illegitimate political wishes would dangerously circumscribe the ability of the general will to manifest itself.

To the extent that there lingers in Rousseau's thought echoes of the old Western dualistic view of human nature with its rather pessimistic assessment of man's capacity to rise above his lower inclinations, he is pushed in the direction of accepting some form of constitutionalism. But always the basic utopian thrust of his thinking reasserts

\textsuperscript{109}Ibid., bk. III, ch. XVIII:147.

\textsuperscript{110}Ibid.
itself. Inspired by his "heart," he takes it for granted that somehow, without any constitutional guarantees, the institutional arrangements which he prescribes will not only be established but respected and the general will actually expressed by the majority. This assumption goes contrary to what Rousseau himself recognizes as the historical record. It is little more than a hope. Indeed, the importance that Rousseau ascribes to propaganda and other forms of moulding public opinion does not indicate that even in the state based on the social contract the articulation of the general will is going to be automatic.

The spontaneity of the moral will

Rousseau's refusal in spite of the mentioned complications to subject the will of the majority to any form of restraint is finally explained by his belief that what is good in man is manifested spontaneously. The problem with which he deals in the Social Contract is how the circumstances can be created under which this impulsive goodness will be released. Man needs to be liberated from all

artificial motives which pervert and lock in his true nature. Wherever necessary he must "be forced to be free." But while constraint may sometimes be required to unfetter man's natural inclinations, no limits must be put on that spontaneity once it has been restored to its rightful place as the guide of human behavior.

According to Rousseau the citizen who is to vote in the assembly should "make up his own mind for himself [n'opine que d'après lui]." We may interpret this to mean in part that he should shut himself out from all alien influences and listen only to his own heart. Open to his natural inclinations he is in a position to respond morally to the issues that are put to him. The general will, adding or merging the spontaneous wish of all individuals so inspired, also becomes directed towards what is good by nature.

The view that man's first impulse is good is affirmed over and over again in Rousseau's writings. One of his most appreciative commentators, Ernst Cassirer, observes: "... even the ethical conscience remained for Rousseau a kind of 'instinct'—for it is not based simply upon reflective cogitation but springs from a spontaneous impulse." 114

113Ibid., bk. II, ch. III:73.
114Cassirer, Question, p. 109.
In the *Emile* Rousseau writes that "the first impulses of the heart give rise to the first stirrings of conscience." He goes on to say that

...justice and kindness are no mere abstract terms, no mere moral conceptions framed by the understanding, but true affections of the heart enlightened by reason, the natural outcome of our primitive affections.\(^{115}\)

His belief in the spontaneous goodness of man is evidenced also in his autobiographical writings:

...I am perfectly sure that my heart loves only that which is good. All the evil I ever did in my life was the result of reflection; and the little good I have been able to do was the result of impulse.\(^{116}\)

The examples of his identification of morality with spontaneity, and of vice with constraint and second thoughts, could be multiplied. This is hardly surprising. If one believes, as Rousseau does, that man is good by nature and evil somehow alien to his essential being, it is only logical to believe that what issues forth from man without the interference of moderating prejudice or reflection is also good.

According to a principle of civil law which Rousseau cites, "no man is bound by a contract with himself."\(^{117}\)

Expanding on this idea he puts it down as "absurd that any-

\(^{115}\) *Emile*, bk. IV:196.

\(^{116}\) Quoted in Cassirer, *Question*, p. 127.

one should wish to bind himself for the future. Using his notion of the state as a public person he insists that neither can the state be bound by any promises to itself, such as constitutional laws. We are confronted here by a basic flaw in Rousseau's political philosophy. Is it really true that a person is not bound by a contract with himself? It is of course always possible for an individual simply to disregard such promises. The ability to do so, however, does not change the fact that he might be morally bound to respect it. Do we not repeatedly make promises of that kind? Contrary to Rousseau's ideal for both individual and collective life, it would seem that we are continuously binding ourselves for the future. It appears that our steadiness as moral beings is largely the result of personal commitments to behave or not to behave in a certain fashion. "I shall not again act in that way!" "I will be intellectually honest." "I have to restrain my selfishness." The list of possible promises could be expanded indefinitely. Although in a sense free to disregard them, we are often morally obligated to respect them. The result of abrogating them is ethical self-condemnation. In an analogous way, is it not possible for a people to make promises to itself,

118 Ibid., bk. II, ch. I:70.
in the form of a constitution, for instance, which it is morally obligated to respect?

Under the philosophical theory we have previously developed, respect for internal promises in furtherance of the goal known in ethical conscience are a necessity, if man is to become a reasonably moral being. He will not spontaneously move in that direction. On the contrary, he needs to put checks on his inclination to act selfishly and arbitrarily. Morality is bought at the price of often difficult self-discipline. Rousseau, by contrast, postulates the ontological unity and goodness of human nature. Man divided against himself is for him not an irrevocable fact of human life, but a crime perpetrated against man by conventional society.

It should be remembered in this context that when Rousseau talks about virtue and justice, he is referring to phenomena rooted in self-love (amour de soi). The latter phrase in itself does not invalidate his ethical standard. The "self" in question might be, not some egotistical will in man, but a higher, moral principle known by man and at the same time transcendent of him. Such a dualistic conception of human nature, however, is in sharp contradiction to Rousseau's philosophy. His rejection of such a view may be illustrated by this important passage, quoted in part
before, which takes one to the very center of his ethical thought:

. . . if the enthusiasm of an overflowing heart identifies me with my fellow-creature, if I feel so to speak, that I will not let him suffer lest I should suffer too, I care for him because I care for myself, and the reason of the precept is found in nature herself, which inspires me with the desire for my own welfare wherever I may be. From this I conclude that it is false to say that the precepts of natural law are based on reason only; they have a firmer and more solid foundation. The love of others, springing from self-love, is the source of human justice.119

All morality is thus derived from a concern for the private ego. And there is in this illuminating statement not even a hint to the tension in man between a higher and a lower self. There is no recognition that love belongs properly only to that in ourselves and others which has ethical worth, not to the whole of man but to our potential for spiritual growth. Rousseau is describing a gush of indiscriminate sympathy. He sees no need to ask whether the self from which it emanates and the self with which the bearer identifies in the other person is morally uplifting or degrading. It is quite possible, for instance, to sympatheize with the wish of a criminal to escape from a prison or the wish of a drug addict to get a shot of narcotics, but normally such feelings of pity would have nothing to do with

119Emile, bk. IV:197 n.
morality, but actually stem from and attach to a self which is contrary to it. Unwilling to accept moral depravity as an inherent human characteristic, Rousseau does not recognize the urgent need for a discrimination both hard-headed and subtle between various inclinations of the human "heart." His view of human nature is monistic, and he regards morality as immanent in impulse. He assumes that it is defined by the spontaneous gushing forth of warm feelings, warm ultimately out of concern for the private ego of the bearer.

To do one's moral duty, the old classical and Judaeo-Christian tradition teaches, is frequently a painful, laborious task. It requires repeated interference with our spontaneous inclinations. Rousseau takes a sharply different view. He speaks of "the pleasure of fulfilling one's duty." In the Emile he lets the Savoyard Priest glorify the enjoyment of yielding to

...the temptation of well-doing. ... This temptation is so natural, so pleasant, that it is impossible always to resist it; and the thought of the pleasure it has once afforded is enough to recall it constantly to our memory.

According to the Priest "there is nothing sweeter than virtue." How much real ethical insight is contained in these effusive admonitions to "follow the inclinations of our

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120 _Reveries_, VI:124.
They lack an awareness of the division in man between a higher and a lower and a recognition that the ethical course of action is usually anything but easy and pleasant. Rousseau's notion of the effortlessness and pleasure of moral behavior may be contrasted with that of Aristotle who argues that to do good man must often do what is painful. "...it is on account of the pleasure that we do bad things, and on account of the pain that we abstain from noble ones."  

When one considers that Rousseau identifies morality with particular human impulses, it is not difficult to understand his despairing of a happiness which lasts. "I doubt if it is known," he writes towards the end of his life. Aristotle's teaching, by contrast, is directed precisely towards securing a happiness which endures. Ironically, Rousseau's belief in the intrinsic goodness of human nature does not give him the deeper sense of harmony described by philosophers less flattering of man. 

Just as Rousseau will not hear of an unavoidable division in the human soul which makes morality frequently dependent on a difficult effort of will, he will not hear of

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121 *Emile*, bk. IV:255.


123 *Reveries*, V:112.
any corresponding ineradicable tension in society which threatens political unity. "Everything that destroys social unity is worthless," he writes, "and all institutions that set man at odds with himself are worthless." In this statement, which is primarily directed against historical Christianity, he is oblivious of the old insight that to be at odds with oneself is the very essence of the human predicament. The classical and Judaeo-Christian tradition, too, aims for unity and harmony in the individual and society. It insists, however, that what limited progress is possible towards that goal requires continuous moral self-discipline by the individual and the support of a strong cultural tradition.

The unity of the state

While Rousseau's egalitarian individualism leads to the endorsement of universal suffrage, it does not involve a recognition of the uniqueness of the person and of that uniqueness as an argument for popular participation in public decisions. Universal suffrage is for Rousseau primarily a means of assuring maximum cohesion in the body politic. He is not concerned with giving the individual considerable freedom to decide his own role in society. That role is to

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be defined by the will of the sovereign, from which the individual is to receive "his life and his being." The citizens should be "early accustomed to regard their individuality only in its relation to the body of the State, and to be aware, so to speak, of their own existence merely as a part of that of the State."  

In order for the general will to assert itself, Rousseau argues, "there should be no sectional associations in the state." What he disapproves of is what Robert Nisbet calls "autonomous groups," that is, private associations between the individual and the state with some real autonomy protected in law. Such associations, Rousseau believes, only divert the citizen's attachment from the state and thus diminish its authority, a view which may be compared to that of Edmund Burke that the source of affections for the state is our love for the private groups to which we belong.

The social pact gives to the state an "absolute power" over its members. As though fearful of the reactions that this uncompromising stand might elicit from his contemporaries,

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125 Ibid., bk. II, ch. VII:84.
126 Political Economy, p. 307.
128 See Nisbet, Community and Power.
129 Burke, Reflections, p. 193.
Rousseau inconsistently gives his assurances that limitations on the power of the state are built into the general will itself. The individual needs to give up to the state only so much of his power, goods, and liberty which is "the concern of the community." He immediately adds, however, that "the sovereign alone is judge of what is of such concern," which, in the absence of constitutional restraints, is leaving the definition to the majority of the moment.

Popular suffrage can be regarded as among other things a practical guarantee against the state violating the higher mission which belongs to each individual and which can be determined in the end only by the individual, since as a uniquely endowed person he alone can know to what kind of life he is called by ethical conscience. While in Rousseau's thought the individual person derives his entire existence from the will of the political sovereign, that view implies that the role of each human being is ultimately defined with reference to a standard transcendent of all political authority. The state can be considered truly legitimate only to the extent that it respects and promotes the ability of the citizens to realize the goal known in ethical conscience. Since the latter pulls men in the direction of a common center, this principle is not an

\[130\text{The Social Contract, bk. II, ch. IV:74.}\]
invitation to anarchy, but it does place the state under a higher authority by which it can be judged and, as it were, humbled.

This notion is contrary to Rousseau's political thought. Always anxious to preserve the absolute authority of the state, he rejects what he takes to be the Christianity of the Gospel:

... far from attaching the hearts of the citizens to the state, this religion detaches them from it as from all other things of this world; and I know of nothing more contrary to the social spirit.131

The type of "religion" he endorses derives its dogmas from the political sovereign, and these must "contain nothing contrary to the duties of the citizen."132

Rousseau is not satisfied to think that the state should have some considerable share in ordering the life of the individual and that the individual himself may regard this sharing of authority with the state as an important and necessary means towards achieving the good life. Rousseau will admit no division of authority and particularly not any constitutional recognition of such a division. He understands that if the people is to have unlimited power, nothing is more dangerous than the idea of a transcendent moral standard. If men's ultimate allegiance is to an

131Ibid., bk. IV, ch. VIII:182. 132Ibid., p. 187.
ethical conscience beyond and above all political authority, there is no longer any hope for undivided loyalty to the state. It means, as Lester Crocker puts it, that...

...the individual conscience might at times be morally superior to the law, or at least consider itself as such. And then we could bid adieu to the collective, organic unity of the political body.\textsuperscript{133}

\textbf{Nationalism and military virtue}

We have noted that in the unity of the public person, Rousseau wants to preserve man's natural freedom. But why is that cohesion so important? What is the content of the freedom of the general will? One sign that the true will of the sovereign is actually being expressed, Rousseau argues, is that "public opinion approaches unanimity."\textsuperscript{134} Conversely, prolonged debate and dissension is a sign that selfish interests are uppermost in the minds of the citizens. Using these criteria, one wonders how one should view a Nazi mass meeting where the proposals regarding the destiny of the German people advanced by the Führer--who might conceivably be considered a modern counterpart of the lawgiver or the temporary dictator, or some combination of the two--are greeted with the spontaneous and enthusiastic approval of a

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\textsuperscript{133}Lester G. Crocker, \emph{Rousseau's Social Contract. An Interpretive Essay} (Cleveland: Press of Case Western Reserve University, 1968), p. 11.
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\textsuperscript{134}The \emph{Social Contract}, bk. IV, ch. II:151.
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unified assembly. Whatever the merit of this particular illustration, there are numerous indications in the Social Contract and elsewhere that Rousseau's emphasis on political unity is at least partly based on an association of the general will with nationalism and even militarism. "Do we wish men to be virtuous," he asks. "Then let us begin by making them love their country. . . ."135

It is interesting to note that in spite of all arguments designed to establish the absolute authority of the general will, Rousseau never presents it as supra-national. On the contrary, although he toys with the idea of a federation of states, he views the general will in the international arena as a sectional, particularistic will, something he dreads in the individual state:

The will of the State, though general in relation to its own members, is no longer so in relation to other States and their members, but becomes, for them, a particular and individual will, which has its rule of justice in the law of nature.136

What concerns us here about this statement is not the clear contradiction of the interpretation that the general will is a universal, transcendent moral standard, but the way in which Rousseau transfers the freedom of the natural man to

135Political Economy, p. 302.
136Ibid., p. 290.
the various public persons in the world. These acquire the natural freedom that the individual person has lost forever. It should be carefully noted, however, that in this new state of nature enjoyed by whole states conditions come much closer to Hobbes's conception than to Rousseau's in the *Discourses*. The general wills of the states are likely to clash. Even among states based on the social contract "the weak are always in danger of being swallowed up" by the strong. The reason is that "all peoples generate a kind of centrifugal force, by which they brush continuously against one another, and they all attempt to expand at the expense of their neighbours." The general will, one is forced to conclude, has in it an element of nationalistic expansionism. It is necessary to go further and say that it also has a militaristic coloring. The *Social Contract* contains numerous approving references to Spartan, military virtues. One of Rousseau's main complaints against traditional Christianity is that it makes the citizens poor soldiers. The militaristic tendency is prominent also in other works, such as the *First Discourse* and the treatise on the *Government of Poland*. It is closely associated with a preference for nationalism. "It is cer-

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tain," Rousseau writes, "that the greatest miracles of virtue have been produced by patriotism."\textsuperscript{138}

The nationalistic and militaristic bias in Rousseau's political thought is reflected in several of his statements regarding the goal of the state. In the \textit{Social Contract} he points out, for example, that "the only way in which [men] can preserve themselves is by uniting their separate powers in a combination strong enough to overcome any resistance."\textsuperscript{139} In several places he states as the goal of the state the self-preservation and protection of the members.\textsuperscript{140} He offers in the latter part of \textit{Emile} two standards for the "goodness" of the state. One is an increase in population. The other is the distribution of population. About the latter he writes that two states of equal size and population may still be very unequal in strength. "... the more powerful is always that in which the people are more evenly distributed over its territory..." The goodness of the state is here judged by military criteria.\textsuperscript{141}

\textsuperscript{138}\textit{Political Economy}, p. 301.


\textsuperscript{140}See, for example, ibid., bk. III, ch. IX:130; bk. III, ch. X:135; bk. IV, ch. I:149.

\textsuperscript{141}\textit{Emile}, bk. IV:432-33.
Although Rousseau also speaks of "freedom and equality" as the goal of the state, his numerous expressions of nationalistic and militaristic sentiments would seem to indicate that this goal is primarily a domestic objective for the individual state. The possibility is clearly indicated that internationally the freedom of the public person may entail liberty for the powerful states to expand imperialistically at the expense of the weaker. Again, the alleged morality of the general will is placed in a curious light.

At first sight there would seem to be an irreconcilable conflict between military and social discipline, on the one hand, and freedom for man's spontaneity, on the other. The conflict is removed by what Rousseau conveniently reads into the general will. Social unity does not require individual self-discipline. It is supplied by the inherent public-spiritedness and cohesiveness of the general will which, made up as it is of the natural inclinations of the citizens, is also the first impulse of the people. By the nature of its own spontaneity it produces political unity. To be forced to be free, if that be regarded as an instance of social discipline, means only to be compelled to yield to this unpolluted collective manifestation of man's true nature.

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In his proclivity for nationalism and militarism, which culminates in the work on the Government of Poland, Rousseau appears to be ascribing to the general will a content difficult to reconcile with certain other descriptions of the same will. Whether these sentiments are to be regarded as only an aberration or as an integral part of his philosophy is probably the wrong question to ask, for at the root of his thinking is not so much a belief in a pre-existing, transcendent standard, which men are trying to articulate intellectually, as a passion for unrestrained freedom, a freedom associated with his own predilections and preferences. We may venture the interpretation that Rousseau's conception of the general will is deeply colored, if not completely determined, by his own temperament, which is allowed by him to roam freely. His nationalistic and militaristic inclinations may be viewed as one example of his reading into the general will what his own "heart" happens to be craving. In certain writings like the Emile where he is primarily concerned with an ideal for private life the tendency is anarchistic; in writings like the Social Contract where he is dealing with collective, political life his preference for unlimited freedom takes on a Spartan quality. In the latter work he brings together a pervasive hostility to restraint with a wish for discipline, such as
might be found in an unruly rebel who is called to repentance by his own conscience. Rousseau envisions the subordination of the individual to a higher authority. In all too characteristic fashion, he does so, however, without putting man under the painful obligation of actually making a moral effort. Men shall achieve virtue by participating in the general will of the people, which is nothing but the outflow of their own spontaneous will. Although the release of that first impulse in all men may necessitate some constraining interference with others by those already liberated, morality itself requires of the individual only that he listen to his heart and yield effortlessly to its pleasant command.

Utopian dreams and harsh realities

It has not been our purpose to deny that Rousseau's concept of the general will has features which connect it with the real, transcendent standard of morality of which most men have some awareness. We have only tried to show that in its central inspiration this concept owes more to Rousseau's utopian-romantic imagination. What is genuine ethical insight in his thought, for such there is too, is subordinated to and vitiated by the spurious, subjectively inspired tendency of his philosophy as a whole. To a degree, subjectivity enters into all intellectual undertakings. Our
point is that although offered under the pretensions of objective philosophical inquiry, Rousseau's thought has in it too much of that element to provide a strong link between moral philosophy and democratic theory.

It is difficult to dispel the suspicion that in large part the general will is a projection on to the people of Rousseau's unfailing belief in the superior goodness of his own heart. He views the will of the sovereign in the light of what he perceives to be his own divinely inspired spontaneity. During his life Rousseau became ever more convinced of his own moral innocence and the vice and deceit of other men. He regarded himself as always inclined towards the good and thwarted only by various outer restraints from achieving his worthy goals. "Never has the moral instinct deceived me," he writes.143 Late in his life he talks of giving back to his Author "a host of good but frustrated intentions."144 It is not surprising that Rousseau would like to see released in political society the collective counterpart of the spontaneous goodness which he believes to have been denied expression in his personal life. That he likes to substitute for the imperfect world around him the

143 _Reveries_, IV, p. 85.

144 Ibid., II, p. 46.
more appealing creations of his own imagination, he freely admits. Into nature especially, where he does not have to contend with the depravity and conceit of society, he finds it easy to project his dreams and emotions. His worship of nature, it may be argued, is in no small part worship of his own elevated sentiments. What is it, he asks in a revealing passage, which always brings him back to the "inanimate objects" of nature.

. . . what secret charm brings me back constantly into your midst? Unfeeling and dead things, this charm is not in you; it could not be there. It is in my own heart which wishes to refer back everything to itself.  

This, let it be suggested, is the central inspiration also of the concept of the general will. Rousseau is reading into it the imagined morality of his own largely subjective and historically conditioned preferences regarding the organization and goal of the state. He is assuming that he has full knowledge of man's true nature and that the heart of all men craves the same political arrangements that his does.

It should be remembered in this context that Rousseau does not start from, but emphatically rejects, the notion of man as a social being. To him, civil society is in the literal meaning of the word artificial. The socio-political

145Quoted in Babbitt, Rousseau and Romanticism, p. 233.
nature of man has to be created. As he writes in the Social Contract, "the constitution of a man is the work of nature; that of the state is the work of artifice [de l'art]."^146

We may regard Rousseau as himself the ultimate artist, the philosopher with the final remedy for all the ills of existing society. His general will is a product of his "creative imagination" rather than an acceptable conceptual rendering of the pre-existing, universally valid principle of morality.

Regardless of the extent to which Rousseau's temperament influences his thinking, it is evident that the general will is not to be mistaken for the transcendent will of ethical conscience. His concept arbitrarily elevates a particularistic, national will, moral only by allegation and with strong totalitarian implications, to a position of absolute authority. The common good of political society is for Rousseau not the imperfect representation of a standard transcendent of politics, but the immanent manifestation of perfect morality in the will of the people.

Superficially, Rousseau's thinking in the Social Contract is an endorsement of democracy and the people's right to self-government. It should be clear, however, that the people is also an instrument for Rousseau's subjective imag-

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ination. If his assumptions regarding the spontaneous direction of the popular will have little to sustain them in real life, his democratic preferences are meaningless abstractions, asking to be used by those who want to exercise power dictatorially in the name of the people.

If Rousseau's conception of the general will grows out of an essentially utopian view of human nature, he is also offering an essentially utopian view of how democracy can be made to respect and promote the ethical life. The *Social Contract* has doubtful value as a theory of democracy and a source of inspiration for political action, for unlike Plato's *Republic*, for instance, its utopianism does not have the saving grace of being grounded in an adequate definition of the fundamental problem of morality. Plato may be criticized for exaggerating man's ability to solve that problem, but hardly for evading it. Rousseau's philosophy, on the other hand, simply assumes the goodness of human nature and ignores the need for moral self-discipline in the individual and the people. For that reason he may be accused of preparing the way, not for a morally inspired democratic order, but for political immorality and chaos. No amount of utopian assurances about the goodness of the spontaneous will of the people can remove the only too real and persistent lower inclinations of human nature as we know it in history.
The idea that man's first impulse is good and will show itself such on a large scale under the proper political circumstances is abstract and theoretical in a very questionable sense. It can be maintained only in the teeth of normal experience. Rousseau himself admits that to realize the goals of the Social Contract a new man will be needed, one bearing little resemblance to the creature of vice and artificiality found in actual societies. Yet, Rousseau offers no real proof that his psychological premises are anything more than hopes and dreams. Insofar as Rousseau's personal life is any indication of what kind of man will emerge when hostility to restraint and conventional social responsibility is adopted as a principle of conduct, one is forced to face the rather striking contrast between the utopian-romantic ideal and the real.\(^{147}\)

Experience suggests that man's first impulse is far from always good. Indeed, it would seem to be more in keeping with the facts to say that it tends in the opposite direction, towards some kind of selfishness or arbitrariness. Men acquire some moral virtue and steadiness precisely to the extent that they become accustomed to arresting the impulse of the moment and subjecting it to moral scrutiny

\(^{147}\)Cf. Babbitt, Rousseau and Romanticism, especially chapters 4-5.
before acting. The ethical life, we have argued, needs the support of sound tradition and custom which help to build into human action a pattern of habit by which impulse is restrained and organized with reference to a higher standard. The purpose of civilization is to liberate man's higher potential by disciplining his spontaneity, which by itself tends away from all order. In Rousseau's view, however, civilization has been an instrument of enslavement: "Our wisdom is slavish prejudice, our customs consist in control, constraint, compulsion. Civilised man is born and dies a slave." Where there should be complete freedom for man's natural inclinations there are inhibiting and perverting cultural norms. Whatever "civilization" will be needed in the true state is apparently expected by Rousseau to flow out of man as a sort of byproduct of morality once spontaneity has been released in society. Granted that there must be morally questionable elements in any tradition, Rousseau's blanket denunciation of existing civilization is, practically speaking, a denial of the need for the formative guidance of culture in the ethical life.

Viewed realistically, one effect of applying Rousseau's teaching to life would be to relax or remove the fetters

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which restrain man's lower nature. And, as Burke points out, the less control is exercised by the individual internally, the more will have to be imposed from without by the state. Lack of moral self-discipline on the part of a people invites anarchy and increases the danger of political dictatorship. To the extent that Rousseau's recommendations were followed, the general will, which needs to respect no higher moral or constitutional authority, would in all likelihood turn out to be a highly arbitrary expression of majority opinion. Political cohesion would probably be supplied in the end by some disciplined organization, centrally led and claiming to act for the common good of the people. In international affairs, one might expect "the will of the people" to exhibit the same lack of restraint. Very possibly, it would turn out to be nationalistic and expansionistic.

Rousseau's ideas have had an enormous influence. The notion that morality is the result of yielding to the goodness of our first impulse is bound to appeal to man's all too natural inclination to escape the effort and pain of actual moral self-improvement. Placing the blame for all social ills not really on man himself but on his environment has also won Rousseau many followers. His political thought is more flattering than realistic. Unfortunately, his influence as a theorist of democracy is partially due precisely
to the fact that he ignores certain unpleasant truths, which reduce considerably the optimism with which popular rule may be contemplated. The achievement of the common good and, more comprehensively, of the good life, he thinks, is not dependent on a difficult process of moral self-reform, involving protracted cultural assimilation, by which the citizens develop a measure of political responsibility grounded in respect for a transcendent ethical standard. Neither does it require that this responsibility be promoted and protected by constitutional laws, written or unwritten. On the contrary, the good of society is best served by removing all restraints on the momentary will of popular majorities. This belief, we may say in conclusion, is in essence a utopian dream sustained by large doses of moral conceit. It is evident that an adequate theory of the reconciliation of democracy with the ethical life must rest on a more realistic assessment of human nature and politics.
IV. THE ETHICS OF CONSTITUTIONAL DEMOCRACY

So far we have sought to determine whether popular self-government can be made compatible with the needs of the ethical life mostly by elimination. We have tried to show that Rousseau's influential theory of democracy does not come to grips with man's moral predicament. Only because he denies that man's baser inclinations are a part of the essence of human nature and assumes the morality of the spontaneous popular will, can he advance his notion of plebiscitary rule, according to which the majority of the moment is allowed to set public policy. If it is true as we have argued that man is not spontaneously propelled in the direction of morality, democratic theory must instead concern itself with the need for ethical self-discipline and look for the political means by which such discipline can be promoted. We have intimated that some form of constitutionalism is called for.

The American Constitution

Constitutional democracy we have defined broadly as popular rule under legal restraints which cannot be changed or removed without the support of a qualified majority over an extended period of time. Our analysis of this concept may be brought into closer contact with the institutional
problems of democracy by using the American Constitution as an illustration. In so doing we are not suggesting that its particular provisions are necessarily the best available example of this type of democracy, only that they offer a good practical illustration of the general principle.

One of the rules generally regarded as essential to the definition of democracy is that with some possible exceptions all adults should have the right to affect government policy through voting and be eligible for public office. The authors of the American Constitution did not envision "universal suffrage" in the modern sense of the word. They left the qualifications for the right to vote up to the individual states, assuming only that popular participation would be comparatively widespread, as it was already at the time of the adoption of the document. Perceived from the beginning as more democratic than the governments of the leading European countries and soon viewed by foreign observers like Alexis de Tocqueville as the very embodiment of popular rule, the American constitutional system has only had its democratic reputation enhanced by the extension of popular suffrage. Although this development was not prescribed in the original document, one is clearly justified in thinking of the system of government it regulates as democratic with regard to popular participation.
Does it follow that we must accept Abraham Lincoln's description of American government as government for the people, by the people, and of the people? Curiously, from the point of view of much modern democratic theory, this allegedly democratic form of government is not designed to maximize the influence of popular majorities. Indeed, the founding fathers had no wish to create a "democracy," claiming instead that the Constitution established a "republic." One might even say that through its system of checks-and-balances it tends to thwart the will of a momentary national majority. In fact, the people, viewed as an undifferentiated mass, is not even given constitutional recognition. There is no institutional channel through which a mere numerical majority can work its will. The "people" of the Constitution is made up of a number of overlapping, subdivided electorates. Not even the President is chosen by a national majority. He is selected by a majority of the Electoral College, a body chosen by pluralities in the various States and according to a formula which further ignores the national majority by giving overrepresentation, by numerical standards, to the smaller States. The members of the Senate and House are elected by pluralities of yet other electorates (the Senate originally by the State legislatures). To the extent that the undifferentiated mass of the people or a majority
thereof can be said to have a unified political will, there is no one point in the American system of government where that will can be applied. The electoral processes of American democracy are far removed from what might perhaps be regarded as the plebiscitarian ideal, the national referendum on public policy.

The same anti-plebiscitarian slant marks the process whereby policy is made by the Federal government. The Constitution prescribes a division of power between an executive, legislative, and judicial branch. In order for a bill to get passed it must not only be approved by both Houses of Congress, which are made up of members beholden to different electorates in their home States, but signed by the President. The chief executive in turn is required to get the approval of the Senate for certain important acts, such as the appointment of high-level officials in the executive branch. In its implied power of "judicial review," that is, of passing on the constitutionality of acts of the other branches of government, the Supreme Court is a check on each. The Justices of the Supreme Court are appointed by the President with the approval of the Senate and could be removed only under unusual circumstances by the Senate, after a vote of impeachment in the House of Representatives, a congressional power of last resort hanging also over the
head of the President. Another important feature of the elaborate system of checks-and-balances, of which we are only giving a very general and incomplete account, is the division of power between Federal and State government, the Constitution designating the proper role of each. In the central area of constitutional amendment, that of two available procedures which has actually been used requires concurrence between a large majority of the States and the Federal Congress.

Since no merely temporary majority of the people, however large, can acquire control over all the levels and branches of government, its power is severely limited. It is possible to imagine a presidential election year in which popular passions run so strongly in a definite direction that the result is not only the election of a President favorable to the cause, but a staggering and equally favorable majority in the House of Representatives and among those winning the third of the Senate seats to be filled that year. Even that is not enough to assure the full public implementation of the popular demand in question. The Senators who make up the two thirds of the Senate previously elected will not necessarily concur in the sentiments now sweeping the country. And their independence is protected by the Constitution, as is that of any popular representative at the
Federal level—be it a Senator, a member of the House, or a President. Provided that a majority of the Senate, or even a very powerful two thirds of that body, does not acquiesce, the attempt to implement the popular will of the moment has been thwarted. And even if the necessary votes are available in the Senate, the Constitution itself is still in effect, prescribing the procedures by which government policy has to be determined and at the same time limiting its scope.

The idea of representation associated with American government deserves special attention. According to "Publius" in the Federalist Papers, the representative institutions provided for in the Constitution are not intended to be mere reflectors of public opinion. They are supposed to contribute to the "refinement" of the will of the people. According to Federalist Paper number 10 (Madison), the delegation of authority to representative institutions is designed to

\[\ldots\] refine and enlarge the public views by passing them through the medium of a chosen body of citizens, whose wisdom may best discern the true interest of their country and whose patriotism and love of justice will be least likely to sacrifice it to temporary or partial considerations.\(^1\)

It should be noted that by giving many of the popular representatives very substantial terms of office—as long as six years for Senators and four years for Presidents—the Constitution relieves them to a considerable degree from popular pressure. Their staying in office is not dependent on being always in tune with public opinion. They have the opportunity to follow their own best judgment even when it might be in sharp conflict with the wishes of the people. They can do so in the hope that by the time their electors are to pass on their performance at the polls, their stand will have been vindicated or their integrity will have earned them the respect of erstwhile opponents. The same freedom to deviate from or even defy public opinion of the moment is available to members of the House of Representatives, although their inclination to exercise independent judgment may not be quite as strong, since their relatively short term of office does not offer the same protection against popular dissatisfaction and electoral censure. On the whole, the nature and role of representative institutions in the United States tend to make elections not so much referenda on specific policies as opportunities to elect individuals believed to have the qualifications to make decisions on their own in their constituents' behalf.
In the case of the Supreme Court, popular control is at a minimum. The voting public affects the composition of the Court only by electing the President and the Senate, in the first instance indirectly, in the second instance directly (since 1913). These together appoint the Justices. Once on the Court, moreover, a Justice cannot be removed, except under extreme conditions. Obviously, this gives him a marked independence in relation to public opinion, if he chooses to exercise it.

The American form of government places ultimate political authority in the hands of the mass of the people. But the people in that sense is not given the power to do what it pleases in the short run. The current majority is always subject to the restraints of checks-and-balances. Only a majority which is, or becomes, both persistent and overwhelming can work its will completely, to the point of removing constitutional obstacles which stand in the way of the full realization of its wishes. The net effect of these legal restraints is to put on the momentary majority the burden of proof. In order to acquire decisive power it must become more than a momentary, merely partisan majority. It must prove itself over time as having a will worthy of common support. In the words of Willmoore Kendall:
The American political system is not and never has been a system for the automatic acceptance of majority mandates by the minority. It is not and never has been a system for the large-scale coercion of the minority. . . . Under the American political system the majority bides its time until it can act by consensus. . . .

The idea of popular sovereignty

But is not this to make a mockery of the democratic ideal? Must not a true democracy always promote the maximum of popular control over public policy? Does not popular suffrage in the American form of government just barely conceal the authoritarian nature of the system as a whole? Surely, this elaborate thwarting of the will of the people is incompatible with the idea of popular sovereignty. The objection brings us to the heart of the fundamental issue which has to be decided by democratic theory. Granted that popular sovereignty may be basic to democracy, what are we to understand by it?

It would seem that when we attribute to the people the right of self-government, we can mean one of two things. One is that the people should be free at every turn to act as it pleases. The other is that the people may act only under certain restraints. To say that only the first mean-
ing is compatible with the idea of popular sovereignty is either to fall into self-contradiction or utopian thinking. If the idea means complete freedom for the people to act, it does not rule out the abolition of democracy and the establishment of dictatorship. That would turn popular sovereignty into a meaningless concept. The proposition that the people may do as it pleases cannot be saved by saying that of course the people must not give up the democratic form of government, for that is to adopt the second proposition, namely that popular sovereignty involves limiting the people's freedom. The only way to defend it would be to take a Rousseauistic approach, attempting to prove that under certain circumstances it will always please the people to act so that popular control is perpetuated. But as we have shown, not even Rousseau is unequivocal in his assertion of the ascendancy of the general will over the destructive and even tyrannical will of all in his ideal state. Unless we are to make certain blatantly unrealistic assumptions about the necessary and powerful presence of democratic preferences in the people, we are left with the proposition that limitations on the popular will are not only compatible with, but actually implied in the notion of popular sovereignty. What we might regard as the general principle of constitutionalism would thus seem to be inseparable
from the concept itself. The question becomes: By whom are these limitations to be determined in scope and by whom applied? In a democracy, presumably, the answer must be, by the people.

Paradoxically, insofar as popular rule is a real concept and not just some utopian dream, it refers to government by the people under self-imposed restraints. The meaning of the latter idea must be carefully analyzed. Since it is our purpose to investigate the compatibility of democracy with the needs of the ethical life, we shall be primarily interested in exploring its ethical dimension.

Rousseau's ideal is a people of one political will. He can entertain it because he is assuming the essential unity of human nature. If we do not have recourse to his type of imagination, however, but base our thinking on what can be observed in actual societies, we are forced to recognize the existence of a chronic conflict of wills, in large matters and small. Widespread agreement between the citizens is sometimes achieved and maintained in certain areas, but the unlikelihood of popular unanimity in politics explains the prominence in democratic theory of the concepts of majority and minority. Just as there are different political wills at work in a people at any particular time, there are different wills at work over time. Public opinion
presents an ever-changing constellation of views and sentiments. There are continuous shifts of emphasis and variations in intensity. The lines of confrontation are repeatedly redrawn. Majorities are transformed into minorities, minorities transformed into majorities. To what in this varied stream of popular opinion is sovereignty to be attached? We have already seen that it does not belong to just any expression of will. An answer may be suggested by drawing on the ethical philosophy we have advanced.

We have argued that man is a creature of two worlds. His life is a tension between a perpetual and always changing flow of impulses and a sense of higher purpose. Whenever affirmed by man, this higher will disciplines and structures his wishes of the moment with a view to the enduring moral good. It builds into his life a measure of unity and harmony, a certain correspondence between human imperfection and transcendent Perfection. Except in the sense that ethical conscience reveals itself to every person in unique circumstances, it is not some private guide to the goal of life. It wills the universal End for man, whose worth is not derived from subjective advantage. We have referred to this self-justifying goal as "harmony," "happiness," and "community," using words which describe aspects of the same transcendent reality. The ultimate end of pol-
itics may be defined as community. By this word we mean a special type of association, a civilized living together in which the intellectual, aesthetical, and economical life of society serves the sacred destiny shared by all. In religious terminology, this destiny is community with God. Referring to the partial realization of this goal which lies within the reach of politics, Aristotle speaks of "the good life."

Just as an individual is always under an obligation to act morally in his "private" affairs, so is he under an obligation to act morally when he is performing "public" or "political" acts, such as casting a vote in an election. The term "people" used in democratic theory does not signify some mysterious, independent entity hovering, as it were, over the heads of the individual citizens. It is the collective name for those same individuals acting in their capacity as political participants. Ethical conscience wills the same goal in all men, the widest possible sharing in community. Just as each person has a higher self, therefore, a whole people, made up as it is of individual citizens, also has a higher self, namely ethical conscience as it relates to "public" or "political" matters. As the common self of a people organized for the purpose of conducting their common affairs, it seeks, not the partisan advantage of any person
or group, but the kind of political order which is conducive to the spiritual elevation of society. Against this higher will, in need of no special pleading, stands an infinite number of possible factional popular wishes which detract from the moral goal and can be defined in contradistinction as the people's lower will.

A people can thus be said to have two selves, one which always wills the same, the furtherance of community in given circumstances, and one with an always varying content tending by itself to divert the political order to merely partisan objectives. But then we must ask this question about the idea of popular self-rule: What self is to rule? Our analysis does not leave any alternative. The only morally defensible answer is that it must be the higher self of the people, or, if that phrase has too much of a metaphysical ring, the will to community in the individual citizens.

Since in our analysis of Rousseau and in other places we have emphatically rejected the idea of identity between morality and politics, we obviously are not suggesting that democracy becomes acceptable only if the people can be expected to decide everything in accordance with ethical conscience. What we are contending is that the concept of democracy is ethically defensible only if it conceives of popular self-rule as designed in such a way as to promote
the application of ethical conscience to political issues. Whatever other types of self-imposed limitations are implied in the idea of popular sovereignty, the people has to impose some moral discipline on itself. In other words, popular sovereignty must be defined with reference to an ethical standard.

But is there not something undemocratic about this notion that the people must subject itself to a superior in the form of an ethical purpose? Granted that the majority must not suddenly decide to abolish the democratic rules of the game, is not that view in reality hostile to the whole idea of popular self-government and freedom? That would be true only if one would also have to say that a person is not governing himself, but resigning his freedom, who is seeking to guide his behavior by ethical conscience. But this discipline is self-imposed. It is the willing affirmation of the universal standard of good. The structuring role of ethical conscience is not viewed by the individual as some alien, external interference with his life, but as something necessary to the fulfillment of his own true humanity. To call it a curtailment of freedom is to transform the idea of freedom into a formula for immorality and unhappiness.

Freedom, we have argued in some detail earlier, can be adequately understood only in conjunction with the moral
worth of chosen goals, so that a person is free in the
strict philosophical sense only to the extent that by his
actions he enriches and fulfills his life as defined by the
spiritual harmony of happiness. Community being the highest
value, a meaningful existence cannot be distinguished from
the widest possible sharing of the good life with others.
Freedom, therefore, is properly the ability to act with con­
cern for what promotes the spiritual well-being of all
affected. A people can be said to be exercising freedom in
governing itself only when it is genuinely trying to realize
the conditions of community.

Democratic "freedoms"—freedom of expression, of
association, etc.—are appropriately labelled such, for in a
world of finite insight and endless change and diversity,
they give recognition to the need for constant examination
and reexamination of means and to the need for protection of
the uniqueness of mission belonging to each individual by
virtue of his special spiritual and physical gifts and cir­
cumstances in life. Political freedoms are not ends in them­
selves. When their exercise is detached from a concern for
the common good, they degenerate into opportunities for pri­
ivate aggrandizement and licence. They become an endorsement
of the politically and morally destructive forces of society.
Popular majorities feeding on that type of "freedom" and
wedded only to selfish advantage are in effect conspiratorial groups seeking to expand at the expense of competitors. To extend the concept of popular sovereignty to include this kind of popular will is to include in the definition of democracy what is inherently destructive of the very existence of this and other forms of government.

Constitutionalism and ethical conscience

Insofar as it is compatible with the needs of the ethical life, democracy seeks to promote a certain quality of popular will. This leads us to the role of the constitution. It may be viewed in analogy with the rules or principles which the individual person adopts for his private behavior. Aware of his own moral and other weaknesses, he does not give sovereignty to his impulse of the moment, but to standards of conduct which he has pledged not to change or abrogate on whim or under the pressure of passion, but only after careful and sober deliberation. A constitution serves a similar function in the public realm. It is a standard of political behavior which is not supposed to be changed on the spur of the moment, but only through an elaborate procedure which enhances the likelihood that the decision be made when the emotions are calm and respectable motives uppermost. Needless to say, only people of high
moral culture will subject their political wishes to constitutional restraints for the specific purpose of advancing the ethical goal of community. Where citizens are lacking in this respect they will accept restraints, if at all, only as a way of advancing their own personal advantage. They may endorse the constitutional objective of leaving an appeal from the people drunk to the people sober, but then as a means of promoting enlightened self-interest as distinguished from unenlightened, short-sighted self-interest. There is a certain similarity between constitutionalism inspired by moral motives and constitutionalism inspired by mere sophisticated egotism. Both have the effect of curbing the expansiveness of the lower will of individuals and groups. We have argued previously that men's ability to discern what is in their own enlightened self-interest depends in the end on their having some notion, however vague, of what transcends the calculus of private advantage.3

But in order to establish the ethical necessity of constitutionalism we need to state with more precision its relation to ethical conscience. A constitution, it may be said in general, is a recognition of the need to put checks on the tendency of individuals and groups to impose their

3See chapter I, pp. 28-29.
own idea of what is politically desirable on others. It is an attempt to purge politics of blatant arbitrariness. Specific designations of power and various procedural requirements, whether prescribed by long-honored precedence or a written document, counteract the inclination to proceed with disregard for the rest of society. The requirement to follow a fundamental law gives a measure of impartiality to the formulation and implementation of public policy. It tends to promote a detachment of government from various competing special interests. The law, not any particular will, is sovereign. Short of destruction of the political order, the strong are not free to crush the weak. The latter are left an appeal against raw power. The very opposite of arbitrariness in politics would be correspondence between the political influence of individual citizens and groups and their contribution to community. No constitution can accomplish this goal. It is an attempt to limit the influence of selfish interest, not by eradicating it, which is impossible, but by taming it. In the context of democracy, that means that the majority of the moment is not given total freedom to dictate policy. To do so would be to maximize the influence of the tendency, present to some degree in all expressions of political will, to disregard the good of the whole.
To become an effective regulating force a constitution must have the support of the community. Since the moral capacity of a people is limited, this support must also be found elsewhere. For an elaboration of this point we may draw on one of the most original of American thinkers, John C. Calhoun. His constitutional reasoning is of interest here because it recognizes the existence of a common good in the moral sense while being adjusted to the preponderance of self-interest as a motivating force in politics. Calhoun is reconciled to the fact that the latter state of affairs cannot be drastically changed and that therefore self-interest must somehow be turned into the service of the common good, a need to which we have previously alluded.\(^4\)

Concern for merely private advantage, Calhoun believes, must be restrained by constitutional checks. The only way that these checks can be made effective, however, is for the provisions of the constitution to give power to, and thereby become aligned with, various major interests which can help to enforce them in practice. The self-interest of each portion of the community which is recognized by the constitution will restrain the self-interest of the others.

It is this negative power—the power of preventing or arresting the action of the government, be it called by what term it may, veto, interposition, nullification, check, or balance of power—which in fact forms the constitution. ... Without this there can be no negative, and without a negative, no constitution.$^5$

The American Constitution with its elaborate system of checks-and-balances exhibits at least the likeness of the kind of "negative" on government which Calhoun is describing. It has a general effect of great ethical interest. The Constitution makes a consideration of the needs and wishes of numerous groups a requirement for a majority that wishes to achieve any part of its program. The approximation of a consensus is needed before government policy can be made. Competing groups, whether in the majority or the minority, are induced from the very start to adopt a politically inclusive perspective. To further their own cause in politics that same cause must be defined with a view to making it acceptable to other groups which might otherwise "veto" it.

This built-in inducement to consider the wishes of other groups, we must emphasize, will not necessarily, and indeed only in exceptional cases, lead to the adoption of a genuinely moral point of view, that is, to a subordination of private advantage to the needs of the common good. But

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it does tend to reduce the element of blatant self-seeking and thus give some support to the moral aspirations also present in the people and its representatives. The self-restraints suggested by mere enlightened self-interest, it should be carefully noted, do not in themselves have any moral worth. Their motive is egotism of some kind. But paradoxically they greatly facilitate the task of those who are striving to give politics a higher direction. These citizens can to some extent enlist the selfishly inspired restraint of others in support of the moral end. They may even be able to transform it by an appeal to ethical conscience. Since politics is not normally, if ever, a sphere of morally elevated activity, the ethical importance of this point can hardly be exaggerated. What might perhaps be called the Hobbesian intellectual tradition goes too far in making egotism the sole structuring principle of politics. There is as great a need, however, to guard against conceptions of politics which are based on unrealistic or even naive expectations about the degree to which morality can take the place of self-interest.

Our reasoning ties in with Calhoun's argument in favor of government by "concurrent majority." We may cite his description of the contrast between that form of gov-
ernment and one of simple majority rule, by "numerical majority" in his terminology.

The same cause which in governments of the numerical majority gives to party attachments and antipathies such force as to place party triumph and ascendancy above the safety and prosperity of the community will just as certainly give them sufficient force to overpower all regard for truth, justice, sincerity, and moral obligations of every description. . . . In the government of the concurrent majority, on the contrary, the same cause which prevents such strife as the means of obtaining power, and which makes it the interest of each portion to conciliate and promote the interests of the others, would exert a powerful influence toward purifying and elevating the character of the government and the people, morally as well as politically.6

What is of interest to our present argument is not so much whether the specific institutional suggestions offered by Calhoun will accomplish the stated goal, but the principle itself: In a government of concurrent majority self-interest is checked by self-interest in such a way that, willy-nilly, it becomes a potential support for moral aspirations. The extent to which a constitution will actually promote distinctively ethical restraints, however, will depend entirely on the extent to which the perpetual conflict of interests is leavened by the motive of community among the political participants. To serve the higher goal it must be rooted in considerable moral culture.

6Ibid., pp. 38-39.
A constitution, then, is an attempt to purge politics of the kind of political egotism which would crush everything in its way. Insofar as it is inspired by the moral motive, it aims even further, to the substitution of ethical conscience for enlightened self-interest as the ordering principle of politics. It then becomes the institutional embodiment of the rejection, not only of the kind of arbitrariness which threatens the peaceful balancing of group interests, but of every form of arbitrariness. Its provisions become a means of lifting politics in the direction of fulfillment of a higher law. As Walter Lippmann writes:

Constitutional restraints and bills of rights, the whole apparatus of responsible government and of an independent judiciary, the conception of due process of law in courts, in legislatures, among executives, are but the rough approximations by which men have sought to exorcise the devil of arbitrariness in human relations.7

Although always imperfect and less than successful, constitutions serve their highest purpose by allowing the censuring of "caprice and willfulness" with a view to the moral end.

But if it may thus be said that the principle of constitutionalism is disapproval of political power exercised

for only particularistic ends, it is similar to the ultimate principle of morality itself. What is ethical conscience but the higher will in man which censures, and thereby defines, the arbitrary? Indeed, can it not be argued that to the extent that the principle of constitutionalism is not just the name for the flawed impartiality of enlightened self-interest, it is identical with ethical conscience? Clearly, whatever the apparent correspondence or proximity of self-interest and morality in some particular cases, man's ethical will is always in tension with the motive of selfishness. It cannot be said, therefore, that constitutionalism of every kind has moral worth. But as an activity by which men direct their common affairs, politics bears heavily on the achievement of the conditions of community. As such it is very much the concern of ethical conscience. What we are suggesting is that constitutionalism is just another term for man's moral will applied to the organization of political activity. Constitutionalism is demanded by ethical conscience because it is necessary to the achievement of the moral goal. In its political aspect, man's higher will may be called the "spirit" of constitutionalism. To develop this concept we need to remember that the words "government" and "constitution" are not names for something existing apart from the citizens. Those who participate in
politics under the rules of a constitution accept it as a
guide for their personal behavior, so that strictly speaking
the constitution as a practical force is identical with the
political activity of the individuals who assent to its pro-
visions and supply or withhold the spirit of constitutionalism.

If the good life is to be approached, men's lower
inclinations have to be disciplined in some way. According
to Edmund Burke,

Society requires not only that the passions of individ-
uals should be subjected but that even in the mass and
body, as well as in the individuals, the inclinations of
men should frequently be thwarted, their will controlled,
and their passions brought into subjection. This can
only be done by a power out of themselves; and not, in
the exercise of its function, subject to that will and
to those passions which it is its office to bridle and
subdue.8

In its moral dimension, this restraining power is in
a certain sense external to individual persons as Burke
writes. It transcends man. It is not a part of his lower
self of unprincipled impulse, but disciplines it from the
outside. But in another sense, which Burke does not here
recognize, it is also in man. It is man's own ethical con-
science, the principle of true humanity he shares with others.

The "private" habits by which the individual tries to
lift himself out of the ever-present inclination to yield to

8Burke, Reflections, pp. 57-58 (emphasis in original).
moral unexamined impulse cannot be sharply distinguished from those of his habits which he tries to follow for the same purpose in his "public" or "political" life. They are, in fact, only two aspects of one and the same attempt to achieve the moral end. Since the end itself is social but its attainment dependent on individual effort, the prerequisites are both "private" and "public." In the "public" sphere, ethical conscience demands a special type of cooperation with others, namely one which minimizes the influence of arbitrariness. It applies to a broader context a question which describes all moral deliberation: "Is this contemplated action good?" As entertained by the individual in politics the same question may be formulated thus: "Is this contemplated 'public' action of the kind that contributes to community?" Although concerned with "public" affairs, it puts a moral obligation on each citizen. The shared habit of asking this question is the moral dimension of constitutionalism. It is translated by practical necessity into a call for specific institutional restrictions binding on all. The higher will in man does not work in a vacuum but on the concrete material of political reality. Given men's selfish and otherwise flawed behavior and their unavoidable clashes of interest, the political advancement of community is not possible without common assent to some
superior coordinating rule. The willingness to subject oneself to this kind of restraint out of concern for the moral end, therefore, is indistinguishable from ethical conscience itself. All actual constitutions are transcended by man's ethical will, but the demand for them is directly rooted in it. Applied to the conduct of public affairs, that will can indeed be described as the spirit of constitutionalism.

In a democracy, constitutional provisions are imposed by the people on itself. That does not mean that they will all meet with the full approval of every citizen. While a person may be critical of various parts of his country's constitution, he may still respect it, in the spirit of constitutionalism. He may recognize, in other words, that the continued curbing of political arbitrariness requires of him that he should abide by the provisions of which he disapproves as long as they are in effect, and try to change them, not by stretching or distorting their meaning, but through the process of revision prescribed by the constitution. He may also be on his guard against the possibility that his own view of how the ethical end can be promoted by government is mistaken. In its denial of all arbitrariness ethical conscience is a warning against premature certainty regarding the moral worthiness of concrete political proposals. There is a crucial distinction to be made
between support for specific constitutional rules and the willingness itself to accept such rules, even when they may not seem wholly appropriate, in the interest of the higher goal.

A constitution may be viewed as forming a part of the varied cultural habits by which men direct their behavior towards the form of intrinsically valuable association which is community. These habits help to restrain the centrifugal, disruptive inclinations always present in society. They are tentative directives transcended by the directing principle itself. It is incompatible with the moral purpose of life to regard these habits as final, in no need of revision or improvement. The spirit of constitutionalism demands not only respect for the fundamental law, but the possibility to change that law on the basis of insight into how it could better serve the enduring goal. Particular constitutions are subject to a higher law. "To those who ask where this higher law is to be found," Walter Lippmann writes, "the answer is that it is a progressive discovery of men striving to civilize themselves, and that its scope and implications are a gradual revelation that is by no means completed." ⁹

It has been one of our contentions that ethical conscience is better described as a principle of censure or

self-examination than as a positive command to perform this or that act. Although moral conduct is attended by a sense of higher purpose, it never completely fulfills that purpose. The ultimate standard of good is always felt to have been betrayed to some extent. We may relate the idea of ethical conscience as a principle of censure to our discussion of constitutionalism by putting out own interpretation on the following compact statement by Calhoun:

It is, indeed, the negative power which makes the constitution, and the positive which makes the government. The one is the power of acting, and the other the power of preventing or arresting action. The two, combined, make constitutional governments.\(^\text{10}\)

Against the background of our previous ethical analysis, these sentences may be read as a general description of man's moral life. The "negative power" would be the censuring, structuring activity of ethical conscience. The "positive power" we may understand as concrete human intentions. "The one is the power of acting," Calhoun writes, calling to mind our notion of impulse as the force which carries human action. The other is "the power of preventing or arresting action," he goes on, giving a description also of the role of ethical conscience in regard to impulse. "The two, combined, make constitutional governments." We may

\(^{10}\text{Calhoun, Disquisition, p. 28 (emphasis in original).}\)
take that to mean that positive action, structured or disciplined by ethical conscience, is morality. This reading of the passage obviously strains Calhoun's meaning. He is referring in this statement not primarily to a moral "negative" on government. But since politics is largely the pursuit of partisan goals, the demands of ethical conscience in regard to the procedural rules tend to run parallel to those of enlightened self-interest. The moral goal can be advanced only through a pragmatic adjustment to the stubborn reality of political self-seeking. In relation to the latter, ethical conscience has to be a "negative." Consequently, it is possible to use Calhoun's words to illustrate our point: The spirit of constitutionalism, as distinguished from actual constitutions, written or unwritten, is identical to ethical conscience as applied to the organization of political life; it advances community by seeking to curb political inclinations incompatible with the goal.

We are probably well-advised to pause briefly at this juncture to recapitulate some of our previous reasoning. Our rendering of the relationship between ethical conscience and constitutionalism might seem to put an undue emphasis on the negative aspect of morality. Surely, morality also has a positive side. While this is certainly true, words must not take the place of precise analysis of the underlying meaning.
We have explained before in some detail in what sense ethical conscience should be regarded as an "inner check," but to avoid misunderstanding in our present context a few additional remarks may be called for.

It might be objected to our argument about the spirit of constitutionalism that quick and spontaneous decisions are often moral, and that decisions based on careful deliberation could well be immoral. The latter part of the objection need not detain us, since it is simply a restatement of our own explicit position: An attempt to protect deliberation through constitutional provisions may have no other motive than a morally oblivious wish to facilitate bargaining between factional groups. Constitutional restrictions in themselves are no guarantee that morality will be promoted.

But what about the other assertion, that spontaneous acts may sometimes be moral? First of all, it is lacking in clarity. If what is meant is that impulse somehow defines morality, it is clearly false, for particular intentions are always transcended by the ultimate standard of good. To argue that there may emerge out of man certain impulses which are a perfect expression of morality is to claim that man can be God. If what is meant, however, is that impulse may come to participate in and thus advance the good, we
are again entertaining a restatement of our own position: Ethical conscience gives its sanction to certain impulses by withholding its censure and, as it were, aligning itself with them.

Most likely, the mentioned objection is the result of skipping over the essential question of just how impulses might acquire moral worth. It is a failure to subject this question to rigorous philosophical analysis which lends some credence to Rousseauistic ethics. Leaving aside the case of spontaneity which has moral consequences by mere chance, every moral act is by definition sanctioned by ethical conscience. But as we have argued at some length that higher principle itself is never identical to the impulse calling for action. The finite reality of human acts is transcended by the Good. In the strictest sense, therefore, moral virtue is always associated with a type of restraint. There is a never-ending tension between the imperfection of everything human and the standard of perfection. Man is under a permanent censure which loses some of its sharpness to the extent that he lives up to his higher self. Ethical conscience is indeed a sense of purpose, but in a world of flawed intentions and acts that purpose is revealed either through censure or a qualified withholding of censure. In the latter case, the specific act is attended by moral reassurance.
If we say that spontaneous acts are sometimes moral, we are describing in one highly ambiguous word what is in fact a dualistic experience, namely impulse and the structuring role of ethical conscience. The wording is acceptable only if it is understood that what is called a spontaneous moral act is one involving no extended ethical deliberation. Whether we take as an example a person whose character has already been morally structured, so that there is a certain moral momentum built into his impulsive life, or a situation in which the moral course is so clear that there might be said to be an "impulsive" inclination to follow that course, it is only after an impulse has been arrested for ethical scrutiny, however quick, that the individual can recognize it as good and thus become justified to act on it. Moral conduct presupposes the interference of the question, "Is this moral?," which is the particularized embodiment of ethical conscience.

This analysis in no way contradicts the idea that ethical conscience reveals a positive purpose. It is only a reminder that in relation to human finitude in general and human evil in particular this purpose is necessarily felt as an "inner check." This point deserves special emphasis in a discussion of constitutionalism, for politics is predominantly the pursuit of selfish interests. Moreover, although it
is true that individual persons sometimes act morally "on impulse," a theory of democracy must concern itself with the question of how a certain type of collective activity is to be organized, if it is to respect and promote the moral end.

If the spirit of constitutionalism is a rejection of the arbitrary, it is also an affirmation of the good life as it is advanced by politics. It negates because it affirms. To say that it demands institutional restraints on partisanship is to say that it promotes the moral opposite, the substance of which in changing circumstances is the discovery of men trying to achieve community. The belief that ethical conscience sanctions positive acts by government is faultless. But there is always a tendency among men of all political persuasions to exaggerate the moral purity of the causes they happen to advocate. And even when the motive is pure, as far as that is possible, the political wisdom of its translation into practical proposals may be questionable. The spirit of constitutionalism responds to human imperfection and depravity, on the one hand, and the need for government action, on the other. As a constant reminder of man's shortcomings, it casts a doubt on the moral worth of all political wishes. As an aspect of the principle of community, it is also what gives to politics its higher direction and final justification.
We have rejected Rousseau's idea of plebiscitary democracy, because it ignores the need for moral restraints in the individual and the people. Could it not be objected that what is wrong with his democratic theory is not his rejection of constitutionalism but his failure to recognize the need for the moral self-discipline which could make his ideal of plebiscitary rule practicable? This is not really an objection to our argument, but actually a somewhat confused confirmation of it. Rousseau regards self-discipline in our sense of the term as the very root of evil. Morality is served, he believes, by uninhibited spontaneity. What should be understood is that had he seen the moral necessity of self-restraint, he would have had to drop his ban on constitutionalism. The reason is that when men are engaging in political activity under the type of restraints which serve the common good, they are by that token also acting constitutionally. The goal requires that they order their behavior with reference to a common standard not subject to instantaneous repeal. The distinguishing mark of constitutionalism is not so much the laying down of written provisions, as is the belief of Thomas Paine, for instance.11 It

11 According to Paine, wherever a constitution "cannot be produced in a visible form, there is none. . . . Can then Mr. Burke produce the English Constitution? If he cannot, we may fairly conclude, that though it has been so much
is rather the willingness for the sake of a higher goal to subject present political wishes to scrutiny according to a set of rules not itself resting on the preference of the moment.

Just how maximum room is to be made for moral considerations in the making of government policy is a matter of applying the acceptance of restraints to difficult practical problems. The formulation of specific constitutional provisions, including sanctions which assure adherence to them, will have to be adjusted to the circumstances. In a democracy, this task is in the hands of the people and its representatives, the implication being that the common good is best served by the broadest possible participation in the process. Given the preponderance of selfish motives in politics, the goal of community cannot be advanced, except by some lucky coincidence, by simply implementing the most recent expression of majority will. There is need for an element of pause, of deliberation under the guidance of moral motives. Whatever the constitutional arrangements which are best designed to encourage such an examination of talked about, no such thing as a constitution exists, or ever did exist, and consequently that the people have yet a constitution to form." Thomas Paine, *Rights of Man*, intro. and ed. by Henry Collins (Harmondsworth: Penguin Books, 1971), pp. 93-94.
intentions before they can become government policy, those arrangements are demanded by ethical conscience.

To suggest that perhaps Rousseau's ideal of plebiscitary democracy could be realized through moral self-discipline on the part of the citizens is to get involved in a contradiction in terms. If plebiscitary democracy means an absence of constitutional inhibitions on the people, but such inhibitions are necessarily present whenever the citizens are coordinating their political activity with a view to the achievement of community, the concept of ethical restraints in politics and the concept of plebiscitary democracy are incompatible.

**Constitutionalism vs. plebiscitary impatience**

It is not our purpose here to develop a set of constitutional prescriptions. We have used the American Constitution to illustrate a general principle and not to assert that in the American context its provisions offer the practical solution to the problem of making democracy compatible with the needs of the ethical life. The Constitution does tend to restrain temporary popular majorities in a way conducive to the emergence of government by "consensus." It does so without giving tyrannical veto-power to a self-seeking, dedicated minority. A majority which is not merely
transitory and partisan, but capable of putting sustained or even mounting pressure on the various bodies of government, can overcome the resistance of a merely partisan minority. With its built-in premium on deliberation the American Constitution provides an opportunity for putting ethical checks both on the people's representatives and on momentary electoral majorities.

We may add some perspective to our thesis about the moral necessity of constitutionalism and at the same time give more attention to the institutional problems of democracy by putting the American Constitution alongside an old and recurrent criticism of that document which has given a strong element of ambiguity to the American political tradition. We are referring to a general impatience with representative institutions as set up by the Constitution. This dissatisfaction, which has marked plebiscitarian overtones, is exemplified in the thinking of Thomas Jefferson. In this Enlightenment figure of eclectic and often poorly integrated views one finds an unresolved strain, reflected in American politics to this day, between the constitutional temperament as understood in our discussion, and a rather different temperament, more akin to that of Jean-Jacques Rousseau. It should be made clear that in concentrating for our purposes on Jefferson's strong plebiscitarian tendency, we are not
claiming to be analyzing more than one side of his thought. Not only are some of his arguments to which we will refer contradicted or modified by other of his statements. It is also possible to argue that his theory was often contradicted by his practice.

Although Jefferson finally came around to endorsing the American Constitution, one need not study his political thought for long to discover reasons for regarding his approval of constitutionalism in general as qualified and ambiguous. It should be noted at the outset that when Jefferson comes down most clearly on the side of constitutional restraints, as in the case of his insistence on a Bill of Rights, he is usually more concerned about protecting the people against their governors than the other way around. Although by no means blind to the shortcomings of the common man, his admitted inclination is to entrust the public interest to the mass of the people or a majority thereof rather than to popular representatives. It is significant that his democratic sentiments are of a kind that tends to undermine the principle of constitutionalism. He speaks of the ideal, regarded by him as unfortunately unattainable in practice, that "every form of government were so perfectly contrived, that the will of the majority could
always be obtained, fairly and without impediment. The best available type of government, which he terms "republican," is repeatedly described by him as one that allows for the most direct and faithful execution of the people's will. In its purest form, it would be "a government by its citizens in mass, acting directly and personally, according to rules established by the majority." Negatively, the principle is stated thus: "The further the departure from direct and constant control by the citizens, the less the government has of the ingredient of republicanism...." Jefferson's majoritarianism is most clearly spelled out in his call for "absolute acquiescence in the decisions of the majority--the vital principle of republics."

Jefferson's plebiscitarian propensity brings him into collision with the idea of representation developed by Edmund Burke in his famous speech to his constituents in Bristol. Applying this Burkean idea to democracy we may take it to mean that elected officials should not be mere executioners of shifting popular wishes. The mass of the people should have the ultimate political power, but not instant, unquestioned authority to dictate government policy.

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13 Ibid., p. 670.

14 Ibid., p. 324.
Popular representatives should have the opportunity to act independently to check and refine popular opinion. They should act as the people's "higher self." Jefferson, however, in many places expresses deep suspicion of a conception of representation that might violate the principle of direct and immediate popular control. He applauds a treatise on the American Constitution by fellow Virginian John Taylor, which, in Jefferson's view, "settles unanswerably the right of instructing representatives and their duty to obey." Since direct popular participation or control is impossible at the national level, Jefferson settles for "the nearest approach to a pure republic, which is practicable," namely government through "representatives chosen either pro hac vice, or for such short terms as should render secure the duty of expressing the will of their constituents." Jefferson the plebiscitarian wants the removal of obstacles to the full and instant implementation of the people's will. Throughout he remains critical of important features in the American Constitution which tend to thwart that goal. As might be expected, there is only one body in the national government of the United States that Jefferson is prepared to call "mainly republican"—the House of Rep-

15Ibid., p. 669.  
16Ibid., p. 670.  
17Ibid., p. 671. We are relying in this paragraph primarily on Jefferson's illuminating letter to John Taylor of May 28, 1816.
resentatives. The reason is that because the members of that body have a relatively short term of office they can be expected to listen carefully to their constituents or else be rather promptly ousted. The Senate, the Presidency, and the Supreme Court are all criticized by Jefferson for being too far removed from the control of the people, by the length of their terms of office or by the fact that they are chosen or appointed only indirectly by the people. What arouses his dissatisfaction is the very real possibility of a government policy which does not always meet with the approval of the majority. The logical extension of Jefferson's line of argument are such devices as recall and referendum, which have played some role in the American political tradition.

But perhaps the most striking example of Jefferson's anti-constitutional temperament is his belief that no country should go long without a revolution. "I hold it, that a little rebellion, now and then, is a good thing, and as necessary in the political world as storms in the physical."¹⁸ At the bottom of this lack of concern for the orderly process of government as a protection against arbitrariness lies a belief in the soundness or even goodness of the uninhibited popular will.

¹⁸ Ibid., p. 413.
In view of our previous analysis of the relation between ethics and politics, it is not surprising that Jefferson's view of man and ethics should bear a strong resemblance in important respects to that of Rousseau. His view of human nature, like Rousseau's, is monistic. It comes in Jefferson's case steeped in an emphatic materialism and sensationalism. Man's moral sense is not conceived by him as introducing a tension between immanent and transcendent in man's inner life. He describes it as a spontaneous force, an "instinct" which puts man on the moral course. Knowingly or unknowingly echoing Rousseau, he describes it as a pleasurable feeling of benevolence towards others which "prompts us irresistibly to feel and to succor their distresses."  

For Jefferson the plebiscitarian, we may state in conclusion, government does not have the purpose of restraining the momentary will of the people with a view to some higher moral standard. The wish of the majority at any moment is itself the only reliable expression of the public good. The best form of government is one which respects the principle that "the will of the majority is in all cases to prevail."  

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19"On the basis of sensation, of matter in motion, we may erect the fabric of all the certainties we can have or need." Ibid., p. 700. Jefferson's thinking in this as in many other respects is influenced by John Locke.

20Ibid., p. 638.  
21Ibid., p. 322.
The plebiscitarian tendency in the American political tradition, contradicted in Jefferson's case by other elements, recurs in more recent expressions of impatience with constitutional restraints on the majority. A good example is the criticism directed against the so-called "deadlock of democracy" by James MacGregor Burns. The American constitutional system, Burns complains, is defective in that it "requires us to await a wide consensus before acting."

It will not allow the speedy and effective implementation of the will of the majority, which should be the purpose of democracy. The basis of the presumption against simple majority rule in the Constitution, Burns observes,

...has been a pervading distrust of the people when organized in a national block or party. The people, yes—but only in their separated, federalized, localized capacities. Popular government, yes—but not really popular rule by hungry majorities.

The latter kind of government ought to be established, Burns argues, by revising the American form of government in accordance with what he calls "the Jeffersonian model." This model he draws from Jefferson the practical politician, whom he regards as wedded to the ideal of vigorous government action supported by a national majority coalition. Jefferson-

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23 Ibid., pp. 334-35.
ian majority rule, Burns contends, has "a more popular, egalitarian impetus than the Madisonian." Burns proposes several reforms designed to create a new form of government, such as abolition of the Electoral College, Federal control over elections to the national government, uniformization of congressional districts, removal of procedures which discourage popular voting, centralization of the political parties, and removal of traditional congressional practices which undermine party discipline. What he wants is a system in which decisive power belongs to the numerical national majority and in which political candidates are members of national parties with distinct, well-defined platforms, so that elections can in effect become national plebiscites on alternative government policies.

What is of immediate concern to us here are not the specific reforms suggested by Burns, but the temperament that inspires them. According to Burns, the majority principle joined to a system of national party competition is not enough to make possible the sweeping governmental action that must be available to the majority in a more democratic America. It will take determined, central leadership. The decisive role must be played by the President. He must

24Ibid., p. 41.
"assume full responsibility, in the priority areas, for the functions and effectiveness of the whole governmental system." When the power of the Presidency "is exercised most responsibly it is not confined to mere tinkering." The man holding that office must be able and willing to cut through the separation-of-powers apparatus in order to get things done. For example, he has to "ignore the absurd 'rule'... that the President does not interfere in the legislative department. He must interfere, and openly so." In his approving analysis of Jefferson's leadership in broadening executive power on the basis of a mobilized national majority, Burns observes that.

... the high point of Jefferson's majoritarianism... came in the Louisiana Purchase. When the chips were down, when a great decision had to be made and pressed quickly, Jefferson violated congressional rights, by-passed accepted constitutional processes, refused to go through the long process of a constitutional amendment, and threw himself and his party on the mercy of the new popular majority, that he was building up.

Whatever the accuracy of this interpretation of Jefferson's action, it is apparent that Burns sees a need

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26 Ibid., p. 173.


28 Ibid., pp. 39-40.
for executive leadership that is willing to bend or even break the rules when it is necessary to serve the presumed interests of the majority.

The great political leader is not content to whittle down his goals to what he thinks he can achieve through the existing structure of political forces. Rather he seeks to enlarge and vivify the structure so that the goals can be realized as fully as possible. He knows that archaic governmental routines cannot always be broken up by adjustment and adaptation but, as Burnham says, by "the application of overwhelming external force."29

Burns impatience with constitutional obstacles to instant and sweeping change does not quite amount to a repudiation of the idea of constitutionalism. Whether for tactical or other reasons, he does not attack it head on. But he undermines it by advocating an exercise of power not overly sensitive to the intent or spirit of constitutional provisions. If he sees the danger of political arbitrariness, he is apparently less disturbed by it than by the risk that the popular majority might not get its way.

It has been suggested by critics that Burns's unwillingness to accept the restraints of the American Constitution is rooted in frustration over the fact that at this time in American history those restraints happen to reduce the likelihood of public implementation of the particular

29Burns, *Uncommon Sense*, p. 175.
policies that he believes to be mandatory. Assuming, however, that his arguments for the empowering of numerical national majorities is not just a case of intellectual opportunism, we must take him to mean that there is something about the uninhibited will of the mass of the people which entitles it to a decisive influence over government policy. If Burns is to retain the idea that democracy can be defended on ethical grounds, the presumption must be that this type of popular will is somehow morally superior to other types. He would be leaning then in the direction of the Rousseauistic belief in the morality of spontaneous popular wishes as they emerge, not from citizens in their capacity as members of social groups, but in their capacity as members of the undifferentiated mass. Although Rousseau does not advocate strong executive leadership by one individual for normal circumstances, it is difficult not to see the affinity between his pervasive hostility to inner and outer restraints and Burns's belief that "the presidency at its best seeks to liberate American society as a whole from whatever binds it." The premise at work would seem to be that

30Willmoore Kendall writes, for instance: "Since Burns and his friends cannot win under the existing rules, he asks us to change the rules so that he and his friends can win." Contra Mundum, p. 273 (emphasis in original).

31Burns, Uncommon Sense, p. 173.
only if the people is free to cast off all institutional shackles can true democracy be realized.

It would be possible to question the democratic claims of Burns's brand of plebiscitarianism by arguing that it enhances the danger of popularly supported despotism, or "Caesarism" in James Burnham's term.\textsuperscript{32} It is worthy of note that insistence on the unlimited authority of the popular will often tends to go together with a preference for highly centralized, or even totalitarian, forms of government. What is of primary concern to us here, however, is the fundamental ethical issue of popular rule with or without constitutional restraints.

Although not entirely clear-cut, Burns's theory of democracy exhibits a general tendency whose ultimate ethical and political implications are brought out in the thought of Jean-Jacques Rousseau. Burns and other theorists of democracy of the plebiscitarian bent may not actually be self-admitted disciples of Rousseau and, needless to say, they are likely to differ with him in many particulars. They do share with him an impatience with constitutional restraints and a related presumption in favor of the spontaneous pop-

ular will. In the final analysis, their type of democratic theory must be defended at the ethical level. They may not all have recognized the full implications of their plebiscitarian preferences, but the logical ethical basis for those preferences is supplied by Rousseau. And if our analysis of that archetypal plebiscitarian is generally correct, they do not withstand critical examination. We are justified, therefore, in approaching the institutional prescriptions of these theorists with considerable scepticism.

A theory of democracy which does not recognize the paramount need of constitutionalism evades the realities of man's moral predicament. An attempt to carry the plebiscitarian ideal into practice will tend, in the long run at least, to defeat the ethical purpose of community and thereby also to undermine popular rule itself. Plebiscitary democracy, it may be suggested, is not a real political concept, but a quasi-concept. It is not based on a realistic assessment of the possibilities open to man, but on some highly dubious assumptions: Assuming that political man is not predominantly or even partially motivated by selfishness; assuming that he is instead spontaneously propelled in the direction of morality; assuming that the popular majority of the moment is most likely to give expression to the common good--assuming all of this, plebiscitary democracy
becomes a concept descriptive of human potentiality. But these things, we have tried to show, cannot be assumed. They actually run counter to concrete experience. Few modern democratic theorists embrace plebiscitarianism in the pure Rousseauistic form, but many lean in its direction. To that extent they give to democratic theory a utopian slant inimical to a realistic consideration of the institutional problems of popular rule.

That is not to say that each proposal for changing the American political system which is advanced by thinkers like Burns is necessarily destructive of the moral goal of politics. Precisely what constitutional arrangements will help to make democracy compatible with the needs of the ethical life under some particular historical circumstances is not just a matter of motive but of political prudence and imagination. Obviously, constitutional restraints are not an end in themselves. They are desirable insofar as they serve the higher goal. For many reasons even the most nobly and skillfully conceived constitution may at some time begin to defeat its original purpose. Profound social and political changes may necessitate constitutional amendment or even transformation. A sound constitution recognizes that fact and provides the means for its own revision. The point to be made about Burns's recommendations is that whatever
merit may be found in some of them belongs to them not because of, but in spite of his plebiscitarian leanings.

We may perhaps sum up our argument regarding the two available concepts of popular rule by drawing a parallel between two types of citizens and two types of democracy. Jean-Jacques Rousseau asks us to picture an individual who always acts spontaneously. To this type of citizen corresponds a form of democracy which gives complete freedom to the spontaneous popular will. This plebiscitary notion of democracy is not founded in reality but in an imaginary world. We may oppose to this parallel another, which pictures an individual who acts under self-imposed moral restraints. To that kind of citizen corresponds a form of popular government under constitutional limitations designed to promote a certain quality of popular will. Only this type of democracy recognizes man's real moral predicament. It allows an opportunity to temper the centrifugal forces of political self-seeking by considerations of the common good. It can be joined to and sustained by man's sense of higher purpose. Constitutional democracy at its best, we may conclude, would be popular self-rule in the cause of community. To the extent that democracy approaches this high standard, it can be supported on moral grounds. Going a step further than is really warranted by our argument, it may perhaps
even be said that in this concept of democracy we have the noblest idea of politics.

Democracy, leadership, and culture

Just because popular rule without constitutional restraints is an ethically unacceptable notion, popular rule under such restrictions offers no guarantee that ethical motives will be promoted. Constitutional restraints are a necessary but not sufficient condition for the furtherance of community. Everything turns on the absence or presence of what we have called the spirit of constitutionalism. It will emerge only in a people of advanced spiritual culture.

Referring to the United States but making a general observation, René de Visme Williamson argues that "the Constitution functions as a mirror for the national conscience." The constitutional norm serves as a constant reminder of the contrast between the values endorsed by the people in its better moments, when it looks at politics in the light of the moral End, and the imperfect, sometimes degrading practice of day-to-day politics. The law thus has a moral function. John Middleton Murry writes:

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Just as the democratic society freely chooses its government, so the democratic citizen must freely choose to do his duty to the commonweal. He puts his conscience in control of his actions. He obeys the law, not as an external command, but as the expression of his own better self, which wills to act in obedience to a law which its reason recognizes to be necessary.34

Representative institutions, which are central to any constitutional system, do not by themselves assure the moral dignity of democratic politics. The people must not only be able to recognize but also willing to give their support to leaders who have a genuine concern for the common good. That presupposes a measure of moral attainment and perspicacity as well as trust. According to Williamson, "people who have no ideals can have no representatives."35 Representation in the morally significant sense implies a shared understanding of the ultimate goal of life and also an awareness that some men are better equipped for leadership than others. The true criterion is not wealth, position, or birth, but a special type of ability. The good representative is able to represent not the lower, partisan selves of his fellow citizens, but their will to community. The willingness to put this kind of trust in elected leaders, to the point of respecting their judgment when it goes contrary to one's own


35Williamson, Independence and Involvement, p. 198.
wishes of the moment, is essential to the fulfillment of the higher goal of politics. To be worthy of such trust, a popular representative cannot be just an average, ordinary person. In addition to political prudence and skill, he must have in even greater measure than the people who elect him a sense of the moral purpose of politics. In a position to lead and not only follow, he must be able to rise above the popular passions and biases of the hour and of his own period in history.

Let there be no hedging or equivocation on this point: Constitutional democracy implies leadership. Contrary to various utopian dreams, every possible form of government will have its "elites." The democratic ideal is not to do away with leaders, but to make them as numerous as possible and to create the circumstances in which a commitment to the common good is encouraged among them. Here, constitutionalism plays an important role. It places restraints on the inclination to misuse power both among elected leaders and the electorate. But these restrictions in themselves will be morally ineffective unless they form part of a whole pattern of high aspirations in the people. The emergence and maintenance of an elevated general sense as to the proper end of the political order requires both assimilation of mankind's noblest traditions of spiritual culture and
creativity in their application to new circumstances. Political morality is dependent on what is contributed by upbringing and education in the family, by schools and universities, churches, artists and authors, and, perhaps more than anything else, the personal example of good men.

True leadership, like the spirit of constitutionalism, is incompatible with spiritual arrogance. Although the popular representative must in a sense seek to put himself above his constituents, the proper standard for so doing puts even his best efforts in a humbling light. According to Irving Babbitt,

A man needs to look, not down, but up, to standards set so much above his ordinary self as to make him feel that he is himself spiritually the underdog. The man who thus looks up is becoming worthy to be looked up to in turn, and, to this extent qualifying for leadership. 36

A sense of humility, a sense of the contrast between man's sacred destiny, as reflected in the highest standards of conduct known by civilization, and man's actual attainments, Babbitt regards as inseparable from all true leadership. This qualification, we may add, has particular application to democracy, for in that form of government each adult is to some extent supposed to be a leader of others. To be worthy of that leadership, the citizen must

36Babbitt, Democracy and Leadership, p. 257.
be the beneficiary of moral culture. The success of democracy depends on the widest possible sharing in the accomplishments of civilization. In addition to prudential and intellectual virtues, the citizens must have some commitment to the morally mandatory but never fully reachable goal of community. In the West, we are heavily indebted for our understanding of this supreme social value to the classical and Judaeo-Christian tradition. Christianity, especially, with its inclusive view of who are to contribute to and participate in community provides indispensable support for democracy. By giving his ultimate loyalty to a cause which transcends his own time and place and the merely partisan wishes of his own people, the democratic citizen does not betray the idea of popular self-rule, but, on the contrary, affirms the unifying principle which alone can sustain it in the long run and give it moral worth.

We can see that the simultaneous awareness of human limitations and potentialities, an awareness growing out of several thousand years of spiritual experience and intellectual effort, is also the very root of constitutionalism in the higher sense. We subject our political behavior to the restraints of a common legal authority because we know that premature certainty, self-seeking, and even positive evil always threaten to infect our actions. Pledging to respect
a constitution conceived with real concern for the common
good of community, we recognize both our depravity and our
sacred destiny.

It is possible that our interpretation of democracy
will leave some dedicated Christians, for instance, with the
feeling that we have not gone far enough in relating our
concept of the spirit of constitutionalism to the theolog­
ical concept of the Holy Spirit and to specific principles
of Christian ethics. We have intentionally avoided associa­
ting our theory too closely with a particular theology in
order not to spur inferences which might unnecessarily com­
plicate acceptance of our argument by those without definite
religious convictions. We have chosen a largely "formal"
approach, trying to show that already in the form or struc­
ture of ethical deliberation, as distinguished from the sub­
stantive content of morality in specific cases, lie some
far-reaching implications for popular government. From an
analysis of man's moral predicament and of the way in which
he approaches the ethical end, we have been able to derive a
recommendation of constitutional democracy. This movement
from description to prescription has been possible because
the "form" taken by moral choice is also an aspect of the
substance of morality.
The value relativist or nihilist, on the other hand, is likely to feel that in asserting the intrinsic superiority of the concept of constitutional democracy over the concept of plebiscitary democracy we have gone further than is intellectually meaningful. Our analysis of man's moral life has been centered in the notion of ethical conscience. Up to a point, this notion can be clarified by intellectual discourse. It becomes finally comprehensible, however, only as it finds the proper referent in personal experience. To the person who in his search for the meaning of life has been able to find nothing sacred or transcendent, it must remain disturbingly abstract. What we may hope is that to the extent that persuasion is dependent on argument, our attempt at a philosophy of popular rule has some merit.

Speaking about a higher will in man to which democracy, like all other forms of government, owes its final allegiance, we may have seemed at times to have given the standard of morality a human source. And that it has, in a sense, for ethical conscience is most certainly a will in man. Moral obligation does not await adoption of a theology. But as we have emphasized, ethical conscience also transcends the human. It is ultimately divine. While we have refrained from introducing specifically religious lines of argument, a non-secular conception of man has informed our reasoning.
When we contend that constitutionalism is a necessary political condition for the fulfillment of man's true humanity, we are thus only affirming in other words that the human purpose, in politics as elsewhere, is to glorify God.
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Title of Thesis: An Ethical Interpretation of Democracy

Approved:

[Signatures of Major Professor and Chairman, Dean of the Graduate School, and members of the examining committee]

Date of Examination: August 26, 1974