

THE AMBIGUITY OF AUTONOMY

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Two political positions seem paradoxical given the common use of the term "liberal democracy." On the one hand, Isaiah Berlin is surely noted as an outstanding liberal philosopher, though he seldom discussed the problems of democracy as such. By endorsing negative freedom and criticizing various formulations of positive freedom,¹ he seems to undercut any democratic conception of freedom, although he doesn't criticize democracy. Yves R. Simon, on the other hand, is surely a democratic philosopher who is critical of liberalism in a number of passages throughout his work. At a very early age he was negative about liberal ideology,² and this persisted in his later writings. I am not suggesting that this was an obsession with him. Simon did not reject those civil liberties associated with liberalism. Nor was he a conservative, though this term often designates but a libertarian liberal. Although the liberalism that he discussed was French liberalism, there are references that indicate that John Stuart Mill was also envisaged. Simon realized that contemporary liberalism differed in important ways from the older variety.

Now Simon did not, and in fact could not, know of the contemporary form of liberalism, styled by some of its commentators with the useful title of "deontological liberalism" that surfaced in the 1970s and has dominated American political philosophy since that time. I say it is a useful title, for it sharply contrasts the new current with the older liberalism, from Bentham to Dewey, which was undeniably teleological. Deontological in this context does not designate a duty ethics, but one that asserts a priority of the right over the good, or of rights as trumps of collective goals, or of rights as opposed to end-

¹ Isaiah Berlin, *Four Essays on Liberty* (London and Oxford: Oxford University Press, 1969), pp. 118-172. See also F. A. Hayek's comparison of liberalism and democracy in *The Constitution of Liberty* (London: Routledge and Kegan Paul, 1960), p. 442, n. 2.

² Yves R. Simon, "Libéralisme et démocratie." in *La Démocratie* 5^{ème} année, 1.10 (25 février, 1924), pp. 429-433 is the earliest expression, and the most extensive is "Beyond the Crisis of Liberalism" in *Essays in Thomism*, Robert E. Brennan, ed. (New York: Sheed and Ward, 1942), pp. 263-86.

result principles. It is clear from the writings of the principal representatives of the new tendency (Rawls, Dworkin, Nozick, and Larmore) that it is opposed to many of the ideas central to Simon's moral and political philosophy. I think of the set of ideas such as the common good, authority, and autonomy. These constitute key concepts for Simon from 1940 onward, yet each of them is contested by leading contemporary thinkers.

Let us take first the notion of the common good, which Simon states "dominates the whole political philosophy of St. Thomas,"³ and, from the context in which it was stated, dominates Simon's viewpoint as well. But the common good is an extremely controverted notion, sometimes seen as a synonym for a collection, sometimes as indefinable, sometimes as simply vapid. The foremost American theorist of democracy, Robert Dahl, has explored the difficulties of this concept. If we take his earliest version of *Modern Political Analysis*,⁴ we find that the conception hardly figures at all, and I believe that reflects empirical political theory at the time. Yet a quarter of a century later, in *Democracy and Its Critics*,⁵ he expends considerable energy in wrestling with the concept of the common good;⁶ it is certainly an issue for him in a way that it was not previously. However, Dahl is an exception. Liberal political philosophers by and large are certainly negative about the concept, for it is based on a teleological approach that they reject, and that has consequences that they suspect.

Secondly, as one commentator on Simon has mentioned, the role of authority in democratic society has been a "too-often neglected problem."⁷ It has been rare for liberals to devote much attention to it,

³ Yves R. Simon, "Thomism and Democracy" in *Science, Philosophy, and Religion, Second Symposium*, Lyman Bryson and Louis Finkelstein, eds. (New York: The Conference of Science, Philosophy, and Religion, 1942), vol. 2, p. 258.

⁴ Robert A. Dahl, *Modern Political Analysis* (Englewood Cliffs: Prentice-Hall, 1963).

⁵ Robert A. Dahl, *Democracy and Its Critics* (New Haven and London: Yale University Press, 1989).

⁶ *Ibid.*, pp. 73, 116, 118, 218, 224, 280, and 308.

⁷ Thomas A. Spragens, Jr., in a review of *Freedom and Community in American Political Science Review* 43.2 (June, 1969), p. 561.

but there is a notable exception. I refer to a rare instance of a liberal consideration of authority, that of Richard Flathman, *The Practice of Political Authority: Authority and the Authoritative*.⁸ Discussing the nature of political authority, Flathman distinguishes substantive-purposive theories from formal-procedural ones, clearly concluding that the latter is the better of the two. When he explains that the substantive-purposive type theory emphasizes purpose or function, it is clear that Simon's account belongs here. If Flathman gives priority to the formal-procedural concept, he does not completely reject the other concept. He goes on to relate authority to individual agency and argues that the two are compatible. However, in a subsequent essay, Flathman stresses the dangerous character of authority as he understands it: "Authority will cease to be suspect only when we create for ourselves a politics of high citizenship in which we no longer have reason to suspect it. In my judgment, however, authority is on principle suspect, on principle objectionable."⁹ So even this recent liberal effort ends in a deep mistrust of the very notion of authority.

The third member of this set of concepts, autonomy, is the main subject of this paper. In order to specify the meaning of autonomy for Simon, one must first identify other meanings of freedom that are presupposed by it. Only after developing Simon's account of autonomy will we be able to make a comparison with the dominant liberal notion.

For Simon, freedom is a continuum, starting in its initial form of voluntariness, then in its state of free choice and, finally, in its completion as autonomy. It is observable that there are theorists who will define freedom in its initial form as Thomas Hobbes does, when in his controversy with Bishop Bramhall he defines liberty (freedom) as "the absence of all the impediments to action, that are not contained in the nature, and in the intrinsical quality of the agent."¹⁰ And if Isaiah

⁸ Richard Flathman, *The Practice of Political Authority: Authority and the Authoritative* (Chicago: University of Chicago Press, 1980).

⁹ Richard Flathman, "Citizenship and Authority: A Chastened View of Citizenship" in *News for Teachers of Political Science* (Summer, 1981), p. 17.

¹⁰ Thomas Hobbes, "The Questions Concerning Liberty, Necessity, and Chance Clearly Stated and Debated between Dr. Bramhall and Thomas Hobbes" in

Berlin's treatment of the subject is more nuanced, he also sees freedom as the freedom from constraint, as negative freedom. That there is an initial form of freedom, as freedom from constraint, restraint, or compulsion, does not seem to be in dispute. The whole issue of free choice, however, has generally been contested. Many liberals accept free choice as the final form of freedom, and often identify it, or confuse it, with autonomy.

Simon wants to argue that there are indeed three forms or states of freedom, and, in the course of defending his position, he sets out a number of features that contrast sharply with deontological liberalism. His treatise on free choice – actually the second version of his argument¹¹ – attempts to counter the objections to free choice based on theories of determinism, universal causality, and indifference; that is, he seeks to dispel the notions that free choice violates the principle of determination,¹² sets out an exception to causality, or equates free choice with passive indifference.

His main assumption is that the will has a fundamental orientation: “Adherence to the comprehensive good [*bonum in communi*] intuitively and intelligently grasped is the most voluntary, the least constrained, the least coerced, the most spontaneous of all actions.”¹³ This orientation is not to be confused with free choice, though it is its ground. Free choice is “freedom from necessity.”¹⁴ So based on the determination of the will to the comprehensive good, Simon has to show how the will escapes necessity. The analysis bears on the relation between intellect and will, on their mutual causality. “There is no

The English Works of Thomas Hobbes, ed. Sir William Molesworth, (Aalen: Scientia Aalen, 1962), vol. 5, p. 367.

¹¹ The first version was *Traité du libre arbitre* (Liège: Sciences et lettres, 1951).

¹² For the determinist argument, see Ted Honderich, *How Free Are You?: The Determinism Problem* (Oxford: Oxford University Press, 1993), and Ilham Dilman, *Free Will: An Historical and Philosophical Introduction* (London: Routledge, 1999), p. 121.

¹³ Yves R. Simon, *Freedom of Choice*, ed. Peter Wolff (New York: Fordham University Press, 1969), p. 27.

¹⁴ *Ibid.*, p. 28.

freedom of the will without freedom of judgment.”¹⁵ He examines the question of determination, then the question of causality in the broad Aristotelian sense of the term, and then the use of the term “indifference” in regard to free choice. Simon believes that he has resolved this last difficulty by distinguishing between active and passive indifference. While active indifference stems from abundance, passive indifference stems from deficiency, as in the extreme case of prime matter. “By reason of its being a living relation to the comprehensive good, the will invalidates the claim of any particular good to bring about a determinate judgment of desirability.”¹⁶ Free choice is a “dominating indifference.”¹⁷ If this dominating indifference, or superdetermination, as he calls it, means that no particular good has an irresistible attraction, it also means that the free agent can invest its own determination to the good as such in a particular good. In this way Simon finds sense in the expression “the power of putting his happiness where he pleases.”¹⁸

We usually think of voluntary action and free choice in regard to personal agents and to the conditions under which these agents are free. Simon understandably deals with autonomy in a collective setting in his first foray into the topic, *Nature and Functions of Authority*.¹⁹ Simon realizes that for many the relation between authority and autonomy is antinomic; that is, as one progresses, the other declines. That is certainly the way in which the two principles are often seen. Yet, Simon wants to maintain that these principles properly understood are complementary. This proper understanding relies on a functional analysis of authority in which a sharp distinction is drawn between the

¹⁵ Ibid., p. 98.

¹⁶ Ibid., p. 103.

¹⁷ Ibid., p. 120.

¹⁸ Ibid., p. 158.

¹⁹ Yves R. Simon, *Nature and Functions of Authority* (Milwaukee: Marquette University Press, 1940). The same year Simon gave a paper featuring many of these themes which is included in *Freedom and Community*, ed. Charles P. O'Donnell (New York: Fordham University Press, 1968), Chapter 2. For a treatment of the topic, see Vukan Kuic, *Yves R. Simon: Real Democracy* (Lanham, Maryland: Rowan and Littlefield, 1999), Chapter 5.

essential function of authority and its substitutional function. The latter in its parental form, for instance, aims at its own disappearance. However, the essential function of authority, its task in achieving the common good "of a united multitude,"²⁰ will not disappear.

Autonomy in this social and political context means self-government. If the emphasis is on political government, autonomy also holds for various social organizations. The way in which a political system combines the two principles of authority and autonomy brings in a third term - hierarchy. What Simon clearly has in mind is a political order in which, at each level, authority and self-government are assured, rising from the lowest to the highest, the national or central system. This is commonly known in Catholic social thought as the principle of subsidiarity,²¹ but subsidiarity is not a term used by Simon.

The progress of the social sciences will not change the need for this essential function of authority, in spite of the high hopes once held to the contrary, when it was believed that advancing knowledge would preclude the role of authority. Simon ends the first part of the booklet by summarizing the "endeavor to proportion exactly authority and liberty in any given situation."²² In *Philosophy of Democratic Government*, his political *magnum opus*, Simon describes the relation this way: "Thus autonomy renders authority necessary and authority renders autonomy possible - this is what we find at the core of the most essential function of government."²³

At the end of *Nature and Functions of Authority*, Simon refers to Jacques Maritain's *Freedom in the Modern World*²⁴ on the concept of terminal freedom, obviously of great influence on what is to follow.

²⁰ Ibid., p. 17.

²¹ *Catechism of the Catholic Church* (Liguori, Missouri: Liguori Publications, 1994), paragraph 1885.

²² Yves R. Simon, *Nature and Functions of Authority*, p. 41.

²³ Yves R. Simon, *Philosophy of Democratic Government* (Notre Dame: University of Notre Dame Press, 1993), p. 71.

²⁴ Jacques Maritain, *Freedom in the Modern World*, trans. Richard O'Sullivan (New York: Charles Scribner's Sons, 1936).

"The process through which this terminal liberty is secured consists in an interiorization of the law. The virtuous man is no longer subjected to the law, since the law has become interior to him and rules him from within."²⁵ If Maritain's formulation of terminal freedom owes its inspiration to the Pauline epistles, I would suggest that Simon's idea has been taken over from Emile Durkheim. Of him Simon says that "despite his system [Durkheim] was in certain senses a profound moralist."²⁶ And it is apparent from Simon's writings that he was well acquainted with the French sociological tradition and had studied under one of Durkheim's disciples.²⁷ What did he find in Durkheim that was particularly worthy of attention?

As a sociologist, Emile Durkheim described the process by which social norms and values become adopted by members of the society. This process of interiorization by which these norms and values are made one's own is solely designed to account for a socially-derived ethics. What Simon does, I believe, is to argue that the formulation of interiorization of the law is proper to moral autonomy as such. That is, what Durkheim posits as particular is really universal.

Now Simon relates this interiorization to the acquisition of the moral virtues. I would not simply classify his position as a virtue ethics, as proposed, for instance, by Elizabeth Anscombe,²⁸ because the virtues are involved in the achievement of autonomy, not just in some vague sense of flourishing. Self-mastery can only be advanced by the cultivation of the moral virtues, according to Simon.

Simon presents an elaboration concerning "the general laws of the quest for autonomy."²⁹ The first point he makes consists in the

²⁵ Yves R. Simon, *Nature and Functions of Authority*, p. 43.

²⁶ Yves R. Simon, *Community of the Free*, trans. Willard R. Trask (Lanham, Maryland: University Press of America, 1984), p. 28.

²⁷ Simon's thesis at the Sorbonne, *Mémoire sur Charles Dunoyer*, was directed by Célestin Bouglé, a close friend of Durkheim.

²⁸ G. E. M. Anscombe, "Modern Moral Philosophy," in *The Collected Papers of G. E. M. Anscombe* (Minneapolis: University of Minnesota Press, 1981), vol. 3, pp. 26-42.

²⁹ Yves R. Simon, *Community of the Free*, p. 30.

rejection of individualism, by which he indicates the position that the aim of political action is the good of individuals distributively considered rather than the common good. Since autonomy is interiorization of the law, and law is directed to the common good, this conclusion follows. Notice the Durkheimian resonance of the remark that "any will to emancipation which is foreign to the sense of the common welfare is directed toward anomy rather than autonomy."³⁰ The communal search for autonomy leads Simon to examine membership in various organizations, such as labor unions, in which we pursue the interiorization of the law together with others. Not only must we resist any form of despotism, but we must also be aware of group egoism. Loyalty to these lower forms of society should not blind us to the hierarchy of natural societies at the top of which is humanity itself. Another way of saying this is that a universalist ethics should prevail over every form of particularism.

Throughout his writings on the subject of autonomy, Simon stresses what the conquest of freedom entails. First of all, he always emphasizes what a difficult task this is, what effort and sacrifice it requires. And its realization means "the power of choosing good alone."³¹ We shall see how this aspect of Simon's theory of autonomy runs contrary to some of the strongest convictions held by contemporary liberal philosophers.

What do liberal political philosophers have to say about the meaning of autonomy and its implication? John Rawls connects autonomy with his conception of the original position, the veil of ignorance, and the principles we would select under relative conditions of ignorance. "Thus acting autonomously is acting from principles that we would consent to as free and equal rational beings, and that we are to understand in this way."³² In *A Matter of Principle*,³³ Ronald Dworkin

³⁰ Ibid.

³¹ Yves R. Simon, *Nature and Functions of Authority*, p. 42. "Just as an individual person, through virtue, protects himself against the risk of making wrong choices" in *Freedom and Community*, p. 46.

³² John Rawls, *A Theory of Justice* (Cambridge: Harvard University Press, 1971).

³³ Ronald Dworkin, *A Matter of Principle* (Cambridge: Harvard University Press, 1971).

defends the notion of a right to moral independence (a right to follow one's opinion about the right way to live) and relies on the egalitarian character of Kantian morality. Alan Gewirth refers to "the familiar etymological idea of autonomy as setting one's law for oneself, by 'law' meaning rules of [moral] conduct."³⁴ Such "requirements are self-imposed and are therefore products of the agent's own autonomy."³⁵

So if we are to accept the representatives of deontological liberalism, the liberal conception of autonomy that dominates much of what is considered liberal political philosophy is derived from Kant, and ultimately from Rousseau. This view claims that freedom consists in self-imposed laws, or rules if you prefer. Freedom is a property of the mature moral agent. Among the ideas canvassed as expressing the core of liberalism are the primacy given to freedom over equality, and the distinction between private and public morality, neutrality, and autonomy. It seems that autonomy is the best candidate for expressing the core of liberalism.³⁶ For the dominant kind of liberalism, autonomy is a postulate, an attribute, a pre-supposition of the individual agent. It is a given, not requiring any demonstration. It is often singled out as the liberal notion of the good, like Kant's good will, the only thing that is good without qualification. Liberals object to what they view as attempts to have other people's morals imposed upon them, that is, rules of conduct not of their own choosing. Leaving aside the question of whether or not this principle is consistently held, one realizes that there is no doubt that liberal philosophers have vehemently opposed a number of moral and political rules that have been part and parcel of the culture for a very long time. These rules are of considerable importance because they concern matters that are literally of life and death, as well as involve venerable institutions. The reasons for the liberal rejection of these rules are found in their understanding of what autonomy or free choice consists in.

³⁴ Alan Gewirth, *Self-Fulfilment* (Princeton: Princeton University Press, 1998), p. 34.

³⁵ *Ibid.*, p. 56.

³⁶ Among others who reached this conclusion, I would mention Patrick Neal, *Liberalism and Its Discontents* (New York: New York University Press, 1997).

To what extent is the liberal notion of autonomy equivalent to free choice?³⁷ One has the impression that the liberal feels truly autonomous when there are options before him, not legally prohibited, between carrying the unborn to term or not, between ending one's life or not, or being aided in doing so, or between being "married" to a person of the same sex or not. That liberal political philosophers are in favor of legalized abortion goes without saying. A noteworthy brief was presented to the United States Supreme Court several years ago by six moral philosophers, all liberals acting collectively as *amicus curiae*, defending assisted suicide as a human right.³⁸ The introduction was by Ronald Dworkin, and two of the signatories were philosophers usually thought of as ideological opponents, namely, John Rawls and Robert Nozick. That the argument was addressed directly to the United States Supreme Court is characteristic of recent recourse by liberals to judicial decision-making over appeals to legislatures.

In Canada, judges on the appellate courts of two provinces, Ontario and British Columbia, have ruled that the existing definition of marriage as between a male and a female is contrary to the equality provisions of the Charter of Rights and Freedoms, although the institution is not mentioned therein. There were liberal commentators who preferred to see the judgment as an expansion of human autonomy. In the United States there are liberals who now propose some kind of civil union for homosexual couples, and perhaps some who would follow the Canadian judicial precedent.

And then we come to the way in which liberal philosophers have generally confronted any attempt to combine, if not relate, freedom and virtue. In his survey of modern political systems, William Bluhm organizes his treatment on "the counterpoint of 'virtue' and 'freedom'."³⁹ "They signify totally different ways of conceiving the

³⁷ Alan Gewirth, *Self-Fulfilment*, p. 193.

³⁸ The text can be found under the heading "Assisted Suicide: The Philosophers' Brief with an Introduction by Ronald Dworkin" in *The New York Review of Books*, 44.5 (March 27, 1997), pp. 41-7.

³⁹ William Bluhm, *Theories of the Political System*, 3rd edition (Englewood Cliffs: Prentice-Hall, 1978), p. 13.

entire political process.”⁴⁰ When he later discusses some writers who supposedly reunite these values – like Kant and Rawls – his argument is not very convincing. Then Thomas A. Spragens, Jr., in his aforementioned review of *Freedom and Community*, when he takes issue with Simon’s idea of freedom as choosing the good alone, declares that “surely it is an excessive contraction of the notion of freedom that leads to the belief that any guarantee against the risk of a wrong choice is purely advantageous to freedom as such.”⁴¹ But perhaps the liberal position has been most strongly put by Shadia Drury when she views the relation between freedom and virtue as antinomic. “If we choose freedom, as liberal societies do, then we must be willing to put up with a certain degree of vice. It is impossible to have both perfect freedom and perfect virtue at the same time.”⁴²

I will conclude by enumerating, in summary form, what I consider to be the salient features of the dominant liberal conception of autonomy, how it differs from Simon’s conception, and why there is an ambiguity between the liberal use of the term and that offered by Simon.

1. Inspired by Kant, the liberal conceives of autonomy as expressing the viewpoint of the moral legislator.
2. Autonomy is taken to be an attribute of the individual agent. If rights are considered part of autonomy, they may be understood as trumping any collective goal. Even when not associated with a theory of human rights, autonomy as an assumption is often identified as the basic good of liberal ethics.
3. For all intents and purposes, this notion of autonomy is the same as free choice, and it implies options unimpeded by legal prohibitions.

⁴⁰ Ibid.

⁴¹ Thomas A. Spragens, Jr., in a review of *Freedom and Community* in *American Political Science Review* 43.2 (June 1969), p. 561.

⁴² Shadia B. Drury, *Leo Strauss and the American Right* (New York: St. Martin’s Press, 1997), p. 109. Cf. Charles Larmore, *The Morals of Modernity* (Cambridge: Cambridge University Press, 1996), pp. 3 and 11.

4. If this idea of autonomy need not completely exclude virtue, the liberal remains wary of the identification of the two.

Now I come to the reason for the title of this paper. Ambiguity consists in the use of a term having two or more possible meanings. I think that I have shown that when one speaks of Simon's conception of autonomy and compares it with that of the liberals, they are at odds on all relevant points. For Simon, we are subject to the law, but we must make it our own. We are not treated as law-makers. For Simon, autonomy is not posited, but is a conquest. It is not individualistic, but communal. It is not opposed to virtue, but is achieved through it. And if it involves free choice, it is not identical with it. For starting from its initial form, freedom advances through our choices and stable dispositions on the way to terminal freedom. If Simon's account is preferable to the liberal one, it is because it offers a better explanation of the dynamism of the moral life and incorporates free choice, virtue, and moral perfection.