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Introduction to modern political thought

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Undergraduate study in
**Economics, Management,
Finance and the Social Sciences**

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THE LONDON SCHOOL
OF ECONOMICS AND
POLITICAL SCIENCE ■

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Chapter 1: Introduction

Aims and objectives

This course, **130 Introduction to modern political thought**, provides an introduction to the nature of political theory through an examination of the ideas of six of the most important western political theorists of the modern period – that is since the emergence of the state system in the early seventeenth century. The aims and objectives of the course are to:

- provide an introduction to the great texts of modern political theory
- examine the meaning and justification of important concepts such as sovereignty, freedom, equality and rights
- explore rival theoretical frameworks such as natural law, utilitarianism, egalitarianism, communitarianism and Marxism, through the analysis of classic texts
- develop critical skills necessary to examine and assess complex theoretical arguments and assess their strengths and weaknesses.

Learning outcomes

At the end of the course, and having completed the set readings and the activities, you will be able to:

- demonstrate a familiarity with main ideas of the thinkers discussed in the subject guide
- provide an account of the main concepts used by the thinkers covered on the course
- evaluate the strengths and weaknesses of the arguments employed in the theories studied
- formulate your own interpretations of the thinkers covered using the model exam/essay questions.

Using the guide

Subject guides are designed for those who are studying by themselves, but they aim to reproduce as far as possible some of the activities you would engage in if you were a full-time student. As a full-time student you would attend lectures and classes, do private study and reading, write essays and take an examination.

This subject guide is primarily designed to function if it were a set of lecture notes for an introductory course, rather than as set of materials for class discussion. Each chapter is designed to provide you with an overview of the argument of the thinkers covered in this subject guide. There are many issues of scholarly disagreement and controversy that are glossed over in these overviews. Some of these issues are covered in the secondary reading and as you become more interested in the thinkers and topics you can pursue these at greater length. Many academics spend a lifetime arguing over the meaning and coherence of a particular thinker's arguments. The point of this subject guide is not to provide a summary of all relevant scholarship but to get you started on the study of political thought. Each chapter provides you with an outline of what is going on in what will be unfamiliar texts, in order to assist you in your reading and

private study. As such, the chapters are primarily exegetical – they aim to describe and explain the main arguments – as opposed to critical or historical. You will therefore need to read the subject guide carefully and take your own notes concerning points you do not understand or issues you want to criticise and return to.

In a normal class, you would discuss the week's reading and the lecture. The subject guide uses a series of activities to reproduce some of things you would do in a class. Activities include taking stock and reviewing the material covered, drawing parallels with contemporary debates, listing strengths and weaknesses or comparing thinkers. The activities should help you think about what to include in your notes, so that you can engage with the arguments and not merely describe them. Political theory is about argument, and you should try and see your reading and use of the subject guide as a way of engaging in an argument with the thinkers you are discussing. Ask yourself: what is the author saying? which part of the argument is unclear? what do you agree with and what do you disagree with? are any of the thinker's arguments still of interest or are they only appropriate to the time and place in which he was writing?

Each section gives a brief list of three essay questions. You should use these in two ways. First you should draw up a brief outline (no more than one page of notes) of how you would answer the question. Think about what is being asked and about what is relevant and irrelevant to the answer. Go back over your notes and re-read the selection from the thinker and the chapter in the course guide. The second way you should use the essay questions is by trying to write a timed essay. In the final examination you will be expected to write four answers in three hours. Give yourself 45 minutes and try and write an essay that you have previously planned. Be honest with yourself and see how much you can actually write in 45 minutes. At first you will find this difficult, but if you practise over a couple of essays you will find your argument becomes more focused and you are able to finish in time. Unfortunately you will have to be your own class teacher, but you will find that if you leave the essay for a couple of days and then come back to it and re-read it, you can identify strengths and weaknesses that you can work on improving. Ask yourself the following questions.

- Is the introduction clear?
- Are you being repetitive?
- Do you spend too much time on the life and times of the thinker?
- Did you finish saying what you wanted to say or did you run out of time?
- Did you wander off the point?
- Are your illustrations clear?

If you are honest and self-critical and stick to the time limit, you will find that planning and the essays are the best preparation for the examination.

The final element of the subject guide is the examination paper and at the end of the course you will sit an examination to take credit for this course. The next section discusses the form of assessment and how you should approach the questions. But you should see the examination paper as part of the learning process and prepare for it, at the same time as you read and use the subject guide. Although the questions differ from year to year, some common themes inevitably reappear. Do not waste time trying to predict what will be asked, instead try and draft rough plans, based on your essay plans for how you would answer various types of questions.

Planning and drafting alongside re-reading the material is the best way of preparing for the examination. Simply re-reading the material will not focus your attention sufficiently.

The structure of the guide and how it should be used as a programme of study are explained above. For those coming to academic study for the first time, here is some more mechanical advice about exactly what you should do in the first instance. For a degree-level course such as this, you should assign about 6–10 hours per week for reading, note-taking, planning and writing timed essays if you are planning to study for the examination over the course of one year.

- Read the essential reading. In most cases this is a selection from a great text by the thinker concerned. The selection is sufficient for completing the assessment for the course. Read the text slowly and carefully, note what you did not understand.
- Turn to the subject guide and read the relevant chapter. Again, return to your notes and see how far the chapter overview has made clear anything that you did not understand.
- Return to the essential reading and this time use the activities in the subject guide.
- At stage three, you might also wish to re-read specific parts of the subject guide. Try and make critical notes, raising questions and offering your own observations.
- Turn to the sample examination questions and, using the guide and your notes, draft an outline answer. At this stage you should read the further or recommended reading if you have not already done so.
- Attempt a timed essay.

Finally, you should try and read the complete version of the texts from which selections are made. These are listed in the Further reading below. Some of these are very long and very difficult, such as Hegel's *Elements of a Philosophy of Right*. Other works such as Mill's *On Liberty* are quite short. However, do not be fooled; just because a work is briefer and seems at first sight more accessible does not mean it is easier and less profound. Mill, Rousseau and Marx all offer relatively brief texts, but each one addresses fundamental questions and uses complex and controversial arguments. When reading these texts do not be put off by their complexity or style and argument. They are addressing complex and important issues and repay a lifetime of study. The essential readings provide you with more than enough material for an understanding of the main outlines of their arguments, and for you to get through the examination.

Essential reading

Where possible I have tried to limit the number of books that you will have to consult beyond the subject guide. Most of the essential readings are to be found in the following book, and you should try to purchase this.

Cahn, Steven M. *Political Philosophy: The Essential Texts*. (New York: Oxford University Press, 2010) second edition [ISBN 9780195396614].

In three cases I have had to supplement the selections, so you should also consult the following texts:

Boucher, D. and Paul Kelly (eds.) *Political Thinkers: From Socrates to the Present*. (Oxford: Oxford University Press, 2009) [ISBN 9780199215522]. (The chapters from this book listed in the subject guide provide the best single source overview of the main interpretive debates in the secondary literature.)

Hegel, G.W.F. *Elements of the Philosophy of Right*. Edited by Allen W. Wood, translated by H.B. Nisbet. (Cambridge: Cambridge University Press, 1991) [ISBN 0521348889].

Mill, John Stuart *On Liberty and Other Essays*. Edited by J. Gray. (Oxford: Oxford University Press, 2008) [ISBN 9780199535736].

Further reading

Please note that as long as you read the Essential reading you are then free to read around the subject area in any text, paper or online resource. You will need to support your learning by reading as widely as possible and by thinking about how these principles apply in the real world. To help you read extensively, you have free access to the virtual learning environment (VLE) and University of London Online Library (see below).

The literature on the six thinkers discussed is enormous and not easily summarised. The most valuable additional reading over and above that which is strictly required in the subject guide is provided by full versions of the key texts from which samples are taken. Below is a list of the best recent editions. That said, there are very many reliable (and cheap) editions on the market throughout the world, so accessibility should not be a problem. Most of the texts are available on the web and can be accessed by typing the full title into any search engine. Web versions tend to be based on old (out of copyright) editions. These can be of variable reliability but are usually serviceable.

Hobbes, Thomas *Leviathan*. (ed. R. Tuck) (Cambridge: Cambridge University Press, 1996) [ISBN 0521567971].

Locke, John *Two Treatises on Government*. (ed. P. Laslett) (Cambridge: Cambridge University Press, 1988) [ISBN 0521357306].

Mill, John Stuart *On Liberty and Other Essays*. (ed. J. Gray) (Oxford: Oxford University Press, 1991) [ISBN 0192833847].

Rousseau, Jean-Jacques *The Basic Political Writings*. (ed. Donald A. Cress) (Indianapolis: Hackett, 1987) [ISBN 0872200477].

Hegel, G.W.F. *Elements of the Philosophy of Right*. (ed. Allen W. Wood, trans. H. B. Nisbet) (Cambridge: Cambridge University Press, 1991) [ISBN 0521348889].

Marx, Karl *Selected Writings*. (ed. David McLellan) (Oxford: Oxford University Press, 2000) [ISBN 0198782659].

Online study resources

In addition to the subject guide and the Essential reading, it is crucial that you take advantage of the study resources that are available online for this course, including the virtual learning environment (VLE) and the Online Library.

You can access the VLE, the Online Library and your University of London email account via the Student Portal at:

<http://my.londoninternational.ac.uk>

You should receive your login details in your study pack. If you have not, or you have forgotten your login details, please email uolia.support@london.ac.uk quoting your student number.

The VLE

The VLE, which complements this subject guide, has been designed to enhance your learning experience, providing additional support and a sense of community. It forms an important part of your study experience with the University of London and you should access it regularly.

The VLE provides a range of resources for EMFSS courses:

- Self-testing activities: Doing these allows you to test your own understanding of subject material.
- Electronic study materials: The printed materials that you receive from the University of London are available to download, including updated reading lists and references.
- Past examination papers and *Examiners' commentaries*: These provide advice on how each examination question might best be answered.
- A student discussion forum: This is an open space for you to discuss interests and experiences, seek support from your peers, work collaboratively to solve problems and discuss subject material.
- Videos: There are recorded academic introductions to the subject, interviews and debates and, for some courses, audio-visual tutorials and conclusions.
- Recorded lectures: For some courses, where appropriate, the sessions from previous years' Study Weekends have been recorded and made available.
- Study skills: Expert advice on preparing for examinations and developing your digital literacy skills.
- Feedback forms.

Some of these resources are available for certain courses only, but we are expanding our provision all the time and you should check the VLE regularly for updates.

Making use of the Online Library

The Online Library contains a huge array of journal articles and other resources to help you read widely and extensively.

To access the majority of resources via the Online Library you will either need to use your University of London Student Portal login details, or you will be required to register and use an Athens login:

<http://tinyurl.com/ollathens>

The easiest way to locate relevant content and journal articles in the Online Library is to use the Summon search engine.

If you are having trouble finding an article listed in a reading list, try removing any punctuation from the title, such as single quotation marks, question marks and colons.

For further advice, please see the online help pages:

www.external.shl.lon.ac.uk/summon/about.php

The emergence of modern political theory

Political theory in the western world goes back at least to the time of the ancient Greeks, and most other cultures have a tradition of thinking about government and political rule that in some cases is even older than the western tradition. However, we are not looking at the whole history of political thought in this subject guide, we are not even offering a representative selection of the history of political thought, instead we are concentrating on the modern period. The modern period and modernity is a peculiarly elusive idea and often seems to mean little more than 'not ancient or medieval': in part, that is how we will use the idea in this subject guide. The modern period, for our purposes, covers thinkers from the time of the European Reformation until the middle of the nineteenth

century, after which time we get the development of academic political science and a new approach to the role of political theory. What is important about this period?

The European Reformation, which began in the early sixteenth century, provided a considerable impetus to political thinking that differed from what had preceded it. The dominant culture of Europe prior to the Reformation was shaped by a vision of a political community that shared certain basic moral and philosophical commitments. This community of Christendom was the precarious legacy of the collapse of the Roman Empire and the rise of the Catholic Church in the period from the fifth to the fifteenth century. Many great philosophers, theologians and political thinkers contributed to the idea of a Christian culture and political community. As with all 'imagined communities' or communities that exist in the minds of thinkers, the reality was often different, more pluralistic, far less Christian and often barely a community or society at all. That said, there were enough commonly shared beliefs and values to bind together a community of intellectuals (mostly but not all clerics) that extended across much of Europe. This community also included the rulers and territories that became the countries of Europe, as we now know it. Although these rulers fought against each other in dynastic and territorial wars they also often shared common obligations and acknowledged sources of authority beyond their own power and will.

Christendom was always a fragile community and had begun to fragment over a long period, but this process was accelerated by the events that followed Martin Luther's challenge to the authority of the Catholic Church and the Pope in 1517. Luther's dispute with Rome was theological, but it was not long before the legacy of the Reformation had become political as different princes abandoned allegiance both to Rome and to the senior Catholic powers, such as Charles V the Holy Roman Emperor. This political rupture did not occur only among the princes of Europe. Before very long ordinary people, often the most simple, had joined in the revolutionary events of the early Reformation in peasant uprisings and war. Individuals found themselves liberated from the shared certainty of a common religion and, in the quest for certainty about their own future salvation, they chose their own authorities. Where religion had once been part of the social glue that bound society together it now became a source of disunity and conflict. Radical Protestants challenged the authority of Catholic kings, and Catholic laymen threatened the stability of Protestant kingdoms with their allegiance to an external power.

Out of this political disorder and fragmentation emerged the idea of the modern state as a political entity owing no allegiance to any power above itself, and with a monopoly on violence within its own territory. The state was a new kind of entity that developed as a response to these new political circumstances. Its emergence was actually a long process that began with the Reformation and continued through to the aftermath of the French Revolution and the rise of the nation state in the nineteenth century. This process was not without its false starts and dead ends, nor was it a process that was immediately clear to those who were participants within it. As such it was something that people tried to make sense of and influence as best they could, and this is where political theory comes into the story. The great thinkers we will be discussing were all participants in this story of the emergence of the modern state from the sixteenth century, but it would be wrong to claim that they are all simply theorists of the state, although some undoubtedly are – Hobbes and Hegel for example. The arguments of philosophers such as Hobbes and Locke contribute

to the way in which we understand the modern state as it emerges, even though they would not necessarily have recognised themselves as sharing a common set of problems. Hobbes is often seen as providing a defence of sovereignty and order by asserting the primacy of the claims of political authority over religion, whereas Locke, a generation later, is deeply sceptical about such absolutist claims for sovereignty and instead he defends a limited form of constitutional government concerned with protecting individuals and their rights. Rousseau challenges the ideas of sovereignty and representation that are first intimated in Hobbes and Locke and defends the claim that sovereignty (or political power) has its origins in, and remains with, the people.

Slowly we start to see the emergence of a distinctly political conception of authority and power that is not merely an extension of morality but is distinct from and superior to the claims of morality and religion. Politics is not concerned with making men moral nor is it seen as an extension of theories of the good for man. Instead we see a conception of politics as the exercise of power and force to manage and contain conflict or disagreement. The emphasis is very much on order. The disagreement among the thinkers whose work we will discuss concerns the source, nature and extent of that order. This idea of the autonomy of the political is both characteristic of modern political theory and a problem thrown up by modernity that many thinkers have struggled with. In different ways, Rousseau and John Stuart Mill wrestle with the idea of popular sovereignty and the claims of the political over the private domain of the individual. Hegel is often seen as a thinker who asserts the claims of the state above those of the individual, but he might more profitably be seen as attempting to reconcile the claims of the political and the private in a more coherent fashion than the either/or arguments of Hobbes or Mill.

One further way in which the autonomy of politics forms a central component of modern political thought can be seen at the end of our story with the case of Marx. In many ways, Marx is not really a political theorist at all, but he is important for our story because he wants to reject the idea that politics and the state are autonomous and the appropriate response to the forces unleashed by the collapse of the pre-modern European order. Marx provides a completely different account of historical change and development, one that is driven by productive forces and technology. This alternative narrative is obscured by the focus on politics and the state, both of which are merely side effects of the real forces at work in history. Marx's theory attempts to direct our attention to a different and more fundamental source of social disorder and conflict that arises from the material conditions of life. Many of Marx's insights have now been absorbed into political thinking, even by those most hostile to Marxism as a political ideology. Yet the fundamental questions that characterise the concerns of modern political theory remain with us as we are still caught up in the struggle to make sense of and respond to the circumstances of conflict and disagreement that still appear to characterise our political experience.

Doing political theory

Why study the thinkers covered in this subject guide? And why study them as part of an introduction to the study of politics? In this section I want to identify a number of questions and approaches that we can ask of, or apply to the thinkers we are exploring. The answers we make to these questions have a bearing on how we understand the activity of political theory – an

activity to which you are being introduced. There are two broad types of answer to our main question. The first type is historical the second philosophical.

Historical approaches

These seek to explain why the thinkers we are considering held the ideas and theories that they did. Many commentators read the great modern political theorists to explain the origins of ideas and institutions that shape our politics today. We might read Hobbes and Locke as historical sources for the emergence of the modern idea of the state. If we want to know what a state is and why it emerged in Europe at a certain time, we need to know not only what major political actors such as kings, popes and generals did, we also need to know what sense people at the time made of those events and their consequences. One can, for example, see Hobbes's ideas as a response to the changed political circumstances of early seventeenth-century British politics.

Historical approaches can take two forms. The first is a **contextual** form. Here the idea is that a theory or argument is an historical artifact, like any other historical document. The point of reading and understanding a past thinker is to explain the social and economic circumstances in which a particular set of ideas emerged and became important. As we shall see when looking at Marx's thought, this form of historical contextualism is close to Marx's theory of ideology (see Chapter 7), but this approach is not exclusive to Marxists. The second historical approach is **hermeneutic** (roughly meaning the theory of interpretation). Here the point is not to appeal to external factors such as political, social and economic events to explain why a theory was written, instead the point is to understand what is meant by a particular theory or argument and how people at the time understood it. The simple point behind this view is that there must be a close connection between what an argument or statement can mean and the way in which readers at the time could have understood it – meaning is determined by use. Alternatively one might, for example, see theories as answers to questions, so in order to understand what Hobbes or Hegel meant, we have to understand the kinds of questions they thought their theory was answering. These questions might be particular or general. An example of a particular question that Hobbes might have been asking is 'Is it legitimate to engage with Cromwell and the Protectorate?'; and a more general question might be 'Are moral obligations natural or artificial?'

When we read great thinkers we are trying to identify the question that makes sense of the theory or its parts. In order to do this we cannot simply rely on external facts about the world in which a thinker lived, instead we need to reconstruct the intellectual world in which a thinker wrote. This involves identifying the belief systems held by a thinker and his predecessors or contemporaries so that we can see how our thinker formed his particular question and answer. This hermeneutic approach tends to make the study of political theory a branch of intellectual history, exploring patterns of belief, and the connections and differences between particular thinkers. But the role of history is not merely one of the methods of enquiry (that we should use the methods of historians to study politics); rather history plays a role in characterising the object of political theory itself, and by implication of politics. To simplify this point, we might argue that all politics is local, shaped by the traditions, practices, beliefs and characters of the agents who engage in it. This is as true of the ideas of the great thinkers of the past as it is of the policy agendas of contemporary politicians throughout the world. So we can study the great thinkers of the past to learn about the variety of

different ways that people have confronted the requirements of political experience, namely governing and being governed and deciding who gets what, where, when and how, just as we can learn about other peoples and times by going to a museum and exploring the artifacts of different times and cultures. What we cannot learn are any general or particular answers to questions about how we should live or order our affairs.

The philosophical approach

This distinguishes itself from the historical approach to political thought by playing down the contextual dimensions of texts and instead treats them as a historical object that we can analyse and criticise in the same way that we analyse and criticise the ideas of contemporaries. Like all distinctions this one is a bit misleading as the historical approach is also philosophical in that it rests on a philosophy of history. That said, we can distinguish those approaches which stress context and the particularity of arguments and theories, and those which explore their universal dimensions, such as their truth conditions. What I mean by this is that the philosophical approach tends to look at the logic and internal coherence of arguments to explore how they work and any weaknesses or gaps they fail to fill.

There is a difference between asking why Hobbes describes the sovereign as an artificial creation, and asking the question whether his derivation of absolute sovereignty from his premises actually works. The issue of truth comes into the story once we can ask the question 'given a certain set of premises, does a certain conclusion follow?' Once we start considering the role of truth we can raise a number of additional points that shapes the approach of some philosophical commentators. First, we might observe that at least a number of our thinkers (Hobbes, Locke, Mill and Hegel) were clearly philosophers in a modern sense. So, however much context plays a role in shaping their arguments they were also striving to think in more general and universal terms that apply beyond their own circumstances. They are engaged in a debate across the generations. Secondly, some scholars argue that what marks out the great political thinkers from the minor pamphleteers is that the great thinkers address perennial questions about the nature of politics that are true in any society or age, whatever cultural differences there may be. One example of such a question is 'Does one have a general obligation to obey the state or ruler?' This question can be asked whether we are talking of a Greek city state, a Hobbesian sovereign, an Islamic theocracy, a Marxist one-party state, or a western liberal democracy. If there are such perennial questions then the study of the great political thinkers must form an important part of the study of politics wherever we happen to live, as there must be general answers that are as relevant today as when the questions were first asked.

In reading this subject guide you will notice aspects of an historical approach alongside a philosophical approach. We will be concerned with identifying the forces working on the thinkers discussed and the strategies they use in making their arguments. However, we will adopt a primarily philosophical approach to the texts discussed. The main questions we will ask about each thinker concern how the arguments are structured and whether they are coherent and persuasive in their own terms. The emphasis is on analysis, criticism and appraisal of arguments. In doing this I want to remain agnostic about whether there are perennial questions that these thinkers answer. Indeed you might ask yourself at the end of the course whether you think any of the thinkers discussed has insights or truths to pass on to us and, if so, what are they?

Before turning to a brief account of some of the themes we will encounter in the thinkers covered in the subject guide, I want to say something about the relationship between the theories we will be looking at and contemporary political science. All the thinkers being considered pre-date the modern idea of social and political science. Modern political science tends to distinguish between the normative and the positive. **Normative approaches** are concerned with obligation, duty and what we should do and are usually confined to the part of political studies concerned with morality, ethics and law. **Positive approaches** are concerned with what there is and how institutions and agents act. The aspiration of positive theorists is **not** to recommend but to explain and predict (as far as possible). The great thinkers of the past tend to combine recommendation, description and explanation, alongside historical and even theological speculation. Although we can profitably distinguish between these approaches (in the case of theological explanation they are ignored), the combination of these approaches in the great thinkers of the past gives a more complete account of political experience. It is perhaps for that reason above all others that they remain of interest to modern political theorists, historians and political scientists and why they serve as a profitable introduction to the study of politics.

An overview of themes and theories

The main task of each chapter in the subject guide is to provide an exposition of the main arguments of each thinker. However, each thinker makes use of broad patterns of argument that can be used to link or contrast groups of thinkers. In what follows I provide a brief glossary or explanation of some of these broad theories. Once again it will be for you to decide how closely any particular thinker fits within one of these theories.

Individualism

In one sense individualism is the most illusive of theories since all theories that do not deny the obvious fact that there are individuals are individualist. However, for our purposes there are two important ways in which theories can be individualist. The first is methodological. A theory is methodologically individualist when it uses the idea of the individual person as the most basic unit of social explanation. On such a view all other forms of association such as family, church, culture, nation, state or civilisation are explained through the actions and choices of the individuals that compose them. The individual is primary and the complex association is secondary. A good example of a thinker who is methodologically individualist is Hobbes, but we could also include Locke, Mill and, more controversially, Rousseau. The second sense in which a theory can be individualist is normatively or ethically. Ethical individualists claim that the basic unit of moral importance is the human individual and his or her rights. Some theories can be ethically individualist without being methodologically individualist. But thinkers who combine both positions are Locke and Mill.

Communitarianism

Communitarian theories are the opposite of individualist theories and can also take two forms. Methodologically communitarian theories give explanatory priority to the group, whether this be family, nation culture or class, as opposed to the individual. An obvious exemplar of this position is Marx, but we can also include Hegel. Both claim that the human individual

emerges through social relations such as class relations or through the idea of the state as an organic (growing and interrelated transgenerational) community. Yet one could be a methodologically communitarian thinker and still attach primary ethical significance to the person and not the state, nation or culture. Some argue that this is actually Hegel's position. Ethical communitarians on the other hand claim that individuals are the bearers of ethical significance only because of the roles and relations they enjoy. Consequently, communities such as family, clan, nation or state can have a prior claim on an individual. Such theories tend to emphasise duty over rights and explain the idea of rights through membership of particular communities, such as states, which exist before the person and will persist long after the person. Some of the most fundamental debates in political theory take place between individualists and communitarians.

Contractarianism

This is an ethically individualist theory that explains the origin of the state or other institutions and its authority on the basis of an agreement (contract) between individuals. Such individuals are usually said to reside in a state of nature. This is a condition free from any of the institutions, structures, laws and obligations of politics and the state. Hobbes, Locke and Rousseau are perhaps the most famous contract theorists, but the idea is still used among some contemporary political philosophers. The role of the contract, promise or agreement is the feature that differs between contract theories. The social contract is most commonly seen as a hypothetical device. That means it does not actually have to take place. We can treat the emergence and authorisation of political sovereignty as if it emerged from an agreement, even if we have no evidence of such a contract ever having been entered into. This seems to be the approach taken by Hobbes and Rousseau. However, Locke at least seems to suggest that the original contract to establish civil society must have taken place at some remote time in history. Hypothetical contract theories are the most popular because they can apply across generations and avoid the main problem that applies to historical contracts. If a contract or agreement is historical, then it raises a question about why future generations after those who made the agreement should be bound by it. If your great-grandmother promised to do something, does that place an obligation on you to continue doing what she promised?

Utilitarianism

Social contract arguments are sometimes used to explain and justify morality, but there is another great individualist ethical theory, namely utilitarianism. Utilitarians hold two positions, the first is consequentialist, and the second concerns the conception of the good in terms of which consequences are judged. Consequentialists believe that the object of moral obligation and appraisal is consequences or states of affairs and not motives or the character of the agent. A bad person can still bring about good consequences, just as a conscientious individual can bring about appalling consequences. The second dimension to utilitarian theories is the way in which consequences are assessed. Consequences are assessed in terms of the amount of some good-making property. There is a variety of such properties such as sensations of pleasure or happiness, welfare or the satisfaction of desires or preferences. John Stuart Mill, one of the most important utilitarian theorists thought that the good was the maximisation of pleasurable states and the minimisation of painful ones, so he argues that the criteria for judging actions or policies is to identify which one 'maximises the greatest happiness of the greatest number'. The more of this property produced by an act or policy the better the consequences.

Most utilitarian theories are maximising theories: the best act or the right act is the one that maximises good consequences. Utilitarian theories developed following the decline of natural law theories of morality.

Natural law

Natural law theories claim that the basis of our most fundamental moral and political obligations are derived from a law that applies to us by virtue of our natures, and not because of any prior agreement or because we are subject to a coercive authority. We can discover this law of nature simply through the exercise of reason. All we have to do is reflect on the kinds of being we are and our place in the world and we can come to know our obligations. Natural law theorists distinguish between the law of nature that is accessible to all through reason and divine law that is revealed in a sacred text such as the Bible or Koran. Theorists differ on the content or substance of natural law. For Hobbes, the law of nature is merely a generalisation from human experience of the tendency of human beings to preserve themselves. For Hobbes, then, the law of nature is a descriptive law, like a law of psychology or physics. For Locke, on the other hand, the law of nature is a moral law that imposes strict duties upon individuals. The problem for natural law theories is that we can disagree about our natures and that will affect what we take our obligations to be. Furthermore, although it is called law, natural law seems to be incomplete in respect of its carrying a clear and authoritative sanction. So although natural law theorists like to claim there is law prior to the state, they still rely on the state and positive law to turn natural law claims into real commands sanctioned by the threat of punishment.

Communism

Most people will associate communism with the ideology of the communist party as expounded by Karl Marx and developed by Lenin and other twentieth-century leaders such as Mao. In this sense Communism is almost an historical curiosity following the collapse of 'really existing socialism' in 1989. However, for our purposes communism means more than the teachings of Marxism–Leninism. It means a society or mode of existence without private property or ownership. Marx presupposes communism as a condition for overcoming the exploitation and alienation of the wage labour system. However, communism also describes the situation in Locke's state of nature before the initial acquisition of private property. Rousseau also uses the idea of communism to describe man's natural condition before the discovery of technology (agriculture and metallurgy). However, whereas Rousseau and Marx regard communism as a good thing corrupted by acquisitiveness, other thinkers such as Locke see communism as a bad thing because, given natural scarcity, it creates conflict and disorder.

Compile your own glossary of frequently used terms

Using the table below to define words and concepts that are unfamiliar, e.g., alienation, exploitation, idealism, voluntarism.

The course is assessed by means of a three-hour written examination. You must answer **four** questions from a total of **twelve**. A sample examination paper is provided at the end of the subject guide and there is an Examiners' report, which shows the sorts of things examiners are looking for in your answers. There are also additional questions at the end of each chapter on the relevant thinkers.

In preparing for the examination you need to bear a number of things in mind. The rubric asks that you answer four questions and your final mark for the paper will be the sum of your individual marks divided by the four. It is imperative that you attempt four questions and try and share your time equally between them. Even if you write two excellent answers, but fail to attempt any other questions it will be very difficult to pass. Most students who fail a course do so because they fail to complete the examination!

Remember that you are being asked to answer a question. The questions are often permissive, in that they allow you to answer them from more than one perspective – you might for example endorse or criticise an argument. However, remember that you are being asked to answer a question and **not** merely being invited to write all you can remember about a thinker. Your answer should have a clear structure – a beginning, middle and end. In your introductory paragraph spell out what you take the question to mean and outline briefly how you propose to answer the question. The main body of the answer should demonstrate your understanding. Make points clearly and concisely.

We are often asked how to refer to texts or quotations. Here are some guidelines:

- Do not waste time on irrelevant biographical or contextual material. A question will rarely ask you to write all you know about the life and times of a thinker. You can of course use biographical or contextual material to illustrate a point, but make sure it is clear why this is relevant in your answer.
- Refer to texts using author surname and short title, such as Hobbes, *Leviathan*. Do not give additional references unless they are correct!
- You are not expected to memorise quotations, but if you have a good memory and can recall them accurately then do so. No one will be penalised for not quoting passages from the thinkers discussed.
- One of the skills the examiners will be looking for is the ability to paraphrase an argument. This ability will illustrate how well you have understood it and your judgments about relevance and irrelevance. Remember that this is a course about political theory and argument. Do not get diverted into discussions of current politics. Occasionally a current issue might illustrate a point you are trying to make. In such circumstances you may range beyond the text, but always make sure your illustration is clear, well focused and relevant. Always be guided by relevance – if you are not sure then leave it out; you have very little time and space. Finally, your conclusion should sum up your argument and your answer. However brief, a conclusion indicates that you have finished and have not merely run out of time.
- The sample examination paper contains two questions per thinker. You are allowed to answer two questions on a single thinker, but beware of repeating yourself. The questions will ask for different things. Do not regard them as merely two parts of the same essay. It is good advice to prepare to answer questions on four different thinkers. If you choose to

concentrate on a narrow list of thinkers you will not be penalised, but if you use the same examples you will be penalised for repetition.

- You can also refer to a thinker who is not mentioned in the question as well as the main named thinker. For example you might refer to Hobbes in explaining why Locke rejects absolutism. This is perfectly acceptable, but remember to be relevant and focused, do not use this as an excuse to write four answers on Marx or Mill.
- When you begin to answer the examination paper take time to read it through carefully. Sketch out your answer in rough notes as this will help you to structure it. Notes will not be accepted as an answer. Give yourself time to re-read your answer in the final minutes of the examination.
- Finally, although you will not normally be penalised for poor spelling, grammar and punctuation, you should still aim to maintain a high standard in each.

The marking scale used by the examiners is as follows:

First class honours	70% +	Excellent. A thorough understanding of the subject. Mastery of relevant methods and techniques. Extensive range and consistent accuracy of information and knowledge. Fluent argument demonstrating independent thinking or critical insight. Evidence of study outside the prescribed range of the programme. Outstanding presentation, structure and standard of English.
Second class honours, division 1	60–69%	Very good. A clear understanding of the subject. Competent application of relevant methods and techniques. Wide and accurate range of information and knowledge deployed. Clear argument which may demonstrate a degree of independent thinking or critical insight. High quality of presentation, structure and standard of English.
Second class honours, division 2	50–59%	Good. A sound understanding of the subject. Knowledge of, and some application of, relevant methods and techniques. A standard, and largely accurate, range of information and knowledge deployed. May rely more on knowledge than on argument or analysis. Satisfactory quality of presentation, structure and standard of English.
Third class honours	40–49%	Adequate. A satisfactory understanding of the subject. Some knowledge of and application of relevant methods and techniques. A familiar or limited range of information and knowledge deployed, with some areas of inaccuracy. Argument and analysis may not be fully developed. Acceptable quality of presentation, structure and standard of English.

Pass	34–39%	Minimum acceptable standard. A basic understanding of the subject. Restricted knowledge, and application, of relevant methods and techniques. A basic or narrow range of information and knowledge deployed, with areas of inaccuracy. Arguments and analysis not developed. Minimum acceptable quality of presentation, structure and standard of English.
Fail	33%	This mark indicates a failed paper; this is NOT a borderline mark.
Fail	<33%	Unacceptable standard. Lacking a basic understanding of the subject. Insufficient or inaccurate knowledge of the subject, its methods and techniques. Inability to develop a reasoned argument. This range of marks indicates a serious, but inadequate, attempt.

Remember, it is important to check the VLE for:

- **up-to-date information on examination and assessment arrangements for this course**
- **where available, past examination papers and *Examiners' commentaries* for the course which give advice on how each question might best be answered.**

Chapter 2: Hobbes *Leviathan*

Essential reading

'Selections from Thomas Hobbes, *Leviathan*' in Steven M. Cahn *Political Philosophy: The Essential Texts*. (New York: Oxford University Press, 2010) second edition [ISBN 9780195396614].

Further reading

Boucher, David and Paul Kelly (eds) *Political Thinkers*. (Oxford: Oxford University Press, 2009) [ISBN 9780199215522] Chapter 11.

Aims of the chapter

The writings of Thomas Hobbes mark a significant change of direction in political theory from the ideas of his predecessors. This chapter provides a guide to the main features of Thomas Hobbes' political theory and especially his account of the origin and nature of state sovereignty. In so doing it will:

- explain Hobbes' account of man's natural condition as a state of war of all against all
- explain the origin of political society
- describe Hobbes' contract theory
- describe Hobbes' theory of absolute sovereignty.

Learning outcomes

By the end of this chapter, and having completed the Essential reading and activities, you should be able to:

- demonstrate a clear understanding of the role of the state of nature
- explain the importance Hobbes attaches to peace and security
- describe the nature and scope of sovereign power
- discuss Hobbes' rejection of a right of resistance.

Introduction

Thomas Hobbes (1588–1679) was born in the year of the Spanish Armada and lived through the most turbulent period of the seventeenth century: a period that was marked by civil war, the execution of a king and the establishment of a republic, a precarious restoration and a period of fear of the establishment of Catholic absolutism in England. He gained employment as a secretary and tutor to the aristocratic Cavendish family, travelling to France and meeting with some of the most important scientists and philosophers of the age. It was during his travels in France that Hobbes became acquainted with the works of the Italian natural scientist Galileo. Galileo was to have a significant influence on Hobbes' own philosophical ideas, in particular his resolute–compositive method, deployed in Book 1 of *Leviathan* (1651). By this Hobbes meant the method of resolving complex phenomena into their most simple units, as chemists might dissolve compounds into their constitutive elements. These simple units could then be composed back into complex phenomena thus exposing their structure. Hobbes differed from his contemporaries in employing

this scientific method to analyse and explain political phenomena. Thus Hobbes became the first political philosopher to aspire to be a political scientist using methods derived from the new natural sciences. We can see this illustrated in *Leviathan* book 1 where Hobbes begins his account of the origins and nature of political sovereignty by describing matter in motion as the basis for understanding human psychology and motivation. He moves from the simplest and most general facts of human experience, by way of deductions, to an analysis and explanation of one of the most complex human phenomena, namely the state.

Hobbes is interesting for us because his attempt to develop a new science of politics modelled on the natural sciences distinguishes his approach from that of earlier political philosophers who relied on theological premises and theories. He is one of the first modern political thinkers. He is also important in that he rejects what he calls scholastic philosophy and sees religion as part of the problem of politics and not a part of its solution. In doing this Hobbes raises questions about the scope of dissent and the primacy of security that we still wrestle with today in all societies.

The problem of pluralism and the role of the sovereign

As we have seen Hobbes lived through a period of almost unparalleled instability in English history. One issue underlying all this political instability was the role of religious commitment in politics. Hobbes saw the role of the sovereign as a solution to social division that developed in the wake of the Protestant Reformation and through the rise of the natural sciences and their challenge to traditional moral and religious certainty. Consequently he asserts the primacy of state sovereignty in all aspects of life.

The Protestant Reformation that had swept through Europe in the sixteenth century had a number of consequences that were to affect politics for the next two centuries. The first of these was the shattering of the already unstable political order of Christendom (the authority of Pope and Emperor) as a political unit and its replacement with independent powers, each asserting their own independence and authority. This was the birth of the process that gave rise over a long and bloody period to the modern state system. The second consequence was the liberation of individual conscience and its responsibility for its own salvation. Protestant teachings about the means of grace and the conditions of salvation made the claims of churches voluntary. Individuals were responsible for what was seen as the most important question facing any human being, namely, how to respond to the demands of salvation. Faced with a choice between what a person thought was necessary for their own eternal salvation and what was demanded by a king or bishop, many found themselves in conflict with the traditional powers of their society. The early sixteenth century had been a period of war and bloodshed as radical Protestants challenged their Catholic and their less radical Protestant rulers. The seventeenth century saw some of these sources of conflict explode into the English Civil War (1642–1649).

The Civil War had varied and complex causes, but one undoubted division between the Royalist and Parliamentary factions was over the need for religious uniformity, and obedience to a national Church that retained doctrines and practices that many Puritans (such as Cromwell and his followers) found unacceptable, and even threatening to salvation. The disorder and factionalism that led up to the English Civil War is undoubtedly part of the backdrop against which Hobbes wrote his major political work *Leviathan*. But there is another way in which experience of the Civil War shaped the problems he sought to address in that book.

Hobbes' benefactors, the Cavendish family were Royalist supporters of king Charles I, and for much of the war Hobbes chose to stay in France, far removed from the actual fighting. Yet by 1651 Hobbes had returned to England now ruled as a protectorate by Oliver Cromwell. One can see Hobbes' argument about the nature of sovereignty as an explanation of Hobbes' shift of allegiance from the Stuart monarchy to the Cromwellian Protectorate. His justification for this change of heart is the sensible one that obligation follows sovereignty, and sovereignty involves the ability to guarantee peace and stability. A person who claims sovereign authority but who is unable to impose his will and secure peace and order is not a sovereign. The sovereign is the person who can command obedience. Yet Hobbes is not merely arguing that we would be wise to submit to whoever can claim our obedience through force of arms or power, his argument is that we have a duty to submit to such a power.

Hobbes argues that we have a duty to obey a sovereign who can command our obedience, and that that duty can be demonstrated. This is because in circumstances of insecurity and disorder, if such a sovereign did not exist we would create and authorise one. Political order is something we create because its absence is never in our interest. Hobbes aims to convince us of the rationality of submitting to a sovereign by trying to show us what life without a sovereign would look like.

The state of nature as a state of war

Hobbes starts his defence of the primacy of political society and the sovereign with an account of human nature in the state of nature, that is, the natural condition before political society. Notice that Hobbes assumes that the origin of society is what has to be explained, as opposed to a classical thinker such as Aristotle, who argues that political society is natural. For Hobbes, our natural condition can be abstracted from our social natures and this reveals our deep psychology. The crucial distinction is between nature and artifice – between what is and what we make. Note that for Hobbes society is seen as artificial and therefore in need of explanation – not just government. This is a rejection of Aristotle's view that man is by nature political, and a further indication of Hobbes' abandonment of pre-modern theories and ideas.

In the natural condition before entering society, man finds himself in circumstances in which no one rules over him. But this natural liberty is far from desirable given Hobbes' account of human nature. There are five reasons why the state of nature is very bad for man.

Human beings are appetitive. Just as all nature is the result of matter in motion so human beings are also constantly in motion. Hobbes describes mankind as egoistic individuals motivated to satisfy their endlessly changing and inexhaustible desires and appetites. There is no point in a human life when desire ceases, so human beings are always in search of new satisfactions, they are never fully satisfied and therefore they are unable to abandon competition. Thus although human beings have the capacity to reason, they are primarily motivated by appetite and desire, with reason serving as a means to identify the best way of satisfying these desires and appetites. This conception of reason will be seen to play an important role in Hobbes' account of the law of nature, which we shall discuss later. One further important implication of Hobbes' account of human nature as appetitive is that we are naturally motivated to fear death as the ultimate frustration of our ability to satisfy our desires. Whatever else we want, we want above all else to avoid death – particularly violent death at the hands of others. Staying alive and maintaining our continued existence is a condition of satisfying any other desire.

The state of nature is a condition of scarcity. The state of nature is a state of scarcity, not of abundance. We cannot have all that we want all of the time and therefore we come into competition for resources and space. Our desires are not simply for food and shelter, but even with regard to these simple desires there is competition for resources and secure supply. More importantly for Hobbes, as we are egoists we have no natural tendency to seek to cooperate in securing or limiting our desires. Furthermore, as we fear death at the hands of natural scarcity, and as a result of competition with other, similarly motivated people, our competition for food, shelter and the means to satisfy our desire puts us in often violent competition with others.

Man as a glory-seeking animal. This is a complex idea but is an essential component of Hobbes' rejection of natural sociability or the possibility of a stable and peaceful society in the absence of the state and sovereign power. Hobbes' point is that men are jealous of their own status and reputation, and that this is also a source of conflict and competition. We not only want certain goods, but we want others to recognise our having those goods, and we want that recognition to involve the same value that we attach to our status and possessions. So Hobbes tempers his egoism by rejecting the idea that we are indifferent to or uninterested in what others think of us. We are very interested in what others think of us, but we want them to give us the regard that we think we deserve. If everybody thinks this about themselves, then this too will be a source of conflict and dispute.

Uncertainty – or diffidence. Diffidence equals lack of trust. We are all motivated by our own appetites and above all the need to avoid death. Others have tendency to get in our way or compete with us, given the circumstances of scarcity. So why do we not just cooperate with each other and share resources? The reason is that we lack a natural motive of trust in others. We cannot be sure that others will not take advantage of us or strike first and take what they need rather than seek cooperation.

Fundamental equality. None of this would be a problem if men were unequal in strength and intelligence, as the strongest and the brightest would simply impose their will on everyone else. If inequality were the natural condition then some kind of order would emerge from the rule of the strongest. But Hobbes argues that in the state of nature we are equal. Clearly he does not mean this as a simple factual claim; after all, some people will always be stronger and faster than others, whereas others might be more intelligent and cunning. Yet Hobbes is making a factual and not a moral claim, as his point is that all these dimensions of natural inequality cancel each other out. Even the strongest must sleep, at which time he may be victim of those who are physically weaker but more cunning. The key point Hobbes is making is that no one can rely on any natural capacity to avoid the dangers and uncertainties of the state of nature.

When all these features of the state of nature are taken together we can see why Hobbes describes it as a state of war of all against all. Hobbes sums up the natural condition in what is perhaps the most famous passage of *Leviathan* (p. 255).

In such condition, there is no place for industry; because the fruit thereof is uncertain: and consequently no culture of the earth; no navigation, no use of the commodities that may be imported by sea; no commodious buildings; no instruments of moving, and removing such things as require much force; no knowledge of the face of the earth; no account of time; no arts; no letters; no society; and which is worst of all, continual fear, and danger of violent death: and the life of man, solitary, poor, nasty, brutish and short.

Activity

List three examples of types of person who reject Hobbes' claim that all men are motivated above all things, to avoid a violent death.

1.

2.

3.

The laws of nature

You might be thinking that Hobbes' account of the state of nature has missed something – although there is no state or authority to impose order there are still moral obligations to require us to cooperate and to avoid the worst excesses of conflict and competition. And Hobbes does indeed speak of the right of nature and the law of nature as prior to the establishment of the state and political society. We can discover these rights and laws of nature through the exercise of our reason. Yet he uses these concepts in a way that differs radically from the natural law theories of the middle ages, or as we shall see in the next chapter, from near contemporaries such as John Locke.

Rights of nature are prior to law – in claiming this Hobbes differs from standard natural law theory, where law creates rights by distributing duties. For Hobbes however, rights of nature follow from the absence of law and duty. In the absence of law we are at liberty – total liberty, and this is the condition we find ourselves in in the state of nature. That is, we are free to do whatever we need in order to secure our self-preservation. Self-preservation is the natural motive to stay alive. But Hobbes' point is that in the state of nature, in the absence of a law which restricts what we are allowed to do to secure our self-preservation, we have an unlimited liberty to do whatever we need, or think we need, to do to secure ourselves. This liberty follows from the absence of any duties to refrain from acting in our own interest. Those liberty rights do not impose duties on others, nor are they constrained by the liberty of others: if I think that you threaten me, and that killing you would ensure my survival, **even if you in fact do not present an immediate danger to me**, I can kill you. In other words, I am at liberty to kill you; and you, in turn, are at liberty to try and kill me in order to preserve yourself. No one has a duty to help and support anyone else and no one has a duty to refrain from any action that in his or her view might ensure survival.

Duties follow from the will of an authoritative lawgiver, and as we have seen there is no such person in the state of nature. Some commentators have argued that there is one such lawgiver in the state of nature, namely God, and much scholarly attention has been devoted to this matter. Yet it should be clear that, although Hobbes allows for the idea of God as a first cause in his materialist account of the universe, he does not present God as an agent imposing his will in the state of nature.

Law of nature. The law of nature is also a complex and controversial idea. The use of the idea of a law is controversial because Hobbes later uses the idea of law to refer to authoritative commands backed up by the threat of punishment. Clearly this is not what Hobbes means when he refers to the law of nature in the state of nature. Instead Hobbes means by the law of nature a series of general precepts or rules that are discoverable

from the exercise of reason, and which is concerned with the conditions necessary to preserve oneself from violent death. As such the law of nature is perfectly compatible with the right of nature, which is the liberty to do that, which is necessary for self-preservation. Hobbes lists 19 laws in all but there are three crucial ones:

- we should strive to preserve ourselves, which means that we should strive to obtain peace among ourselves
- if others are willing to seek peace, then we should all 'lay down this right to all things; and be contented with so much liberty against other men, as he would allow other men against himself'
- we should keep agreements.

In each case we have a reason to act according to these principles, as they are an efficient means of securing us from the consequences of the state of nature. However, these laws are all dependent upon reciprocity. It only makes sense to seek peace if others are similarly motivated to do so. Furthermore, if others are not prepared to seek peace, we are entitled to use all the advantages of war.

The social contract

Given the undesirability of the state of nature and Hobbes' account of the law of nature we have a motive to leave the state of nature and enter civil or political society. How does this happen?

Hobbes presents two accounts of the origin of the Commonwealth or political society. The first is by institution, the second by conquest. Although in practice these are very different ways of establishing a Commonwealth they share certain important features.

Commonwealths by institution arise through a process of agreement or contract. This is Hobbes' introduction of the social contract argument. Each person agrees to lay down their natural right to liberty, when all others do so as well, and in so doing transfers it to a third party – the sovereign – who will provide security and freedom under the law in return. But note that the agreement is **not** with the sovereign. Hobbes is not advocating a conditional agreement with a sovereign in which we agree to give up our freedom in return for security. Instead the agreement is between individuals to submit themselves to a sovereign and not with the sovereign as such. Although Hobbes argues that political society is based on an agreement between its members to give up their natural right to liberty, it is not a contract between the subject and the ruler: this has important implications for Hobbes' account of sovereignty as we shall see shortly. A number of things should be clear from this account of the institution of political society. First, as there is no agreement with the sovereign, there are no terms that he can breach, so the agreement is irrevocable and not conditional on the way the sovereign acts. Secondly, why would we agree to give up our freedom in return for the sovereign's protection in the circumstances of natural equality of power in the state of nature? Surely it would only be rational to give up our liberty in the presence of an obvious candidate who could give us security from the war of all against all – but can such a person exist in the state of nature? Thirdly, even if we have such a candidate sovereign, the terms of the agreement are that I will only give up my liberty if you also agree to give up yours, and so on for all those concerned. But given Hobbes' claim that we are egoistic and mistrustful of each other, is it ever rational to be the first mover in an agreement?

Hobbes' second account of the origin of Commonwealths is by conquest. Here his argument is that a superior force can command our obedience and therefore create a new political society. This seems to be Hobbes' view of Cromwell and the Protectorate. As Charles Stuart was unable to secure peace and impose his will, obligation to him evaporated. Whereas Cromwell was able to back up his claim and therefore became the sovereign who has a claim on our obedience. But does not this argument collapse into the claim that 'might makes right' which at best provides a *de facto* account of authority but not a *de jure* (or legitimate) account of sovereign authority? Hobbes denies this charge and links the argument from institution and the argument from conquest. In the case of the conqueror, Hobbes recognises that he can compel obedience at the point of a sword! But this is not all there is to Hobbes' theory of obligation. As we are motivated to seek peace and avoid a violent death, our choice to comply with the commands of a conqueror, even at the point of a sword, can be viewed as an agreement in the same way as the original contract involves an agreement. After all, one is still being offered a choice, even if the choice between violent death and obedience is not a particularly palatable choice. So just as Hobbes argues that 'Covenants without the sword are but words and have no strength to secure a man at all' (p. 232) one can equally argue that covenants made at the point of the sword are nevertheless binding and therefore a source of genuine obligations. Because the alternative to conquest is war, and war is always the least best option, it is rational for us to accept any terms from a conqueror short of our immediate execution.

Activity

Are there ever cases in which Commonwealths (states) are the result of agreement?
What does this tell us about Hobbes' social contract theory?

The powers of the Hobbesian sovereign

Let us remind ourselves about the problem that Hobbes is attempting to answer with his account of sovereignty. First, he argues that in the absence of political society we would be in a situation of permanent war, where everyone is in conflict with everyone else. Secondly, a state of affairs in which each person is constantly able to exercise their judgment in opposition to the commands of the sovereign would result in the kind of anarchy found in his hypothetical state of nature. His solution to the problem of disorder and faction is the transfer of liberty and the power of judgment to the person of the sovereign. In giving up our natural right to freedom we place ourselves under the direction of the sovereign and authorise him to act for us. In so doing we also transfer our judgment to the sovereign so that he exercises it for us. In this way, what the sovereign commands is effectively our interest so we can have no reason to object to his commands. Our obligation to the sovereign and our duty to obey his law is not simply because he has the power to command obedience, but because we have authorised him to act for us. Power is important, as without it he would not be able to ensure that others comply with his commands, and therefore we would be subject to the fear and uncertainty of the state of nature. But equally power is not sufficient, as the sovereign also has the right to command obedience from us, and that is only because we have given him that power.

What is the sovereign for? The sovereign does two things, first he decides all issues of right and wrong, secondly, he imposes sanctions up to and including death on those who do not obey his decisions. Let us consider each dimension in turn.

The sovereign decides all issues of right and wrong, and it is by doing so that things become right or wrong. In the sphere of morality, rightness or wrongness is whatever the sovereign decides, and it is his decision and not the reasons for his decision that matters. We can illustrate this with a modern example. Suppose a modern-day sovereign is deciding whether to extend the rights of married couples to homosexuals. Christians, Muslims and Jews might argue that marriage is a matter of divine law that cannot be changed by any ruler, whereas homosexuals and liberal egalitarians might argue that it is morally wrong to discriminate on the basis of sexuality and all should enjoy the equal protection of the law. If the sovereign decides one way or the other it is his judgment or decision that is final. But more than this, it is his decision alone and not by any external reference to a religious text or a secular political argument. If a Christian or Muslim continues to argue that the Bible or the Koran say otherwise, it is they that are wrong. For Hobbes, there is no standard outside and above the sovereign's decision to which he must defer, there is no divine law above the sovereign's will, nor are there human rights or moral rights that can contradict and strike down the sovereign's decision. This is important given the original problem with which Hobbes began, for it means that there is no possible conflict between the demands of religion and the requirements of political obligation. What the sovereign commands will always come first over the claims of conscience or religious belief.

But the sovereign's decisions do not apply only in the field of morality or religious belief and practice. The sovereign can decide anything at all, from the rules and conventions of arithmetic to the meaning of words, to whether we should abstain from meat or wear our heads covered in public. We are not under an obligation to retain any protected sphere of judgment in the state of nature, so when we establish a sovereign we transfer to him the power of judgment over all issues.

In deciding such issues, the sovereign commands us to do some things and to refrain from doing other things, and these commands are backed up by sanctions. It is the imposition of sanctions on third parties that gives each one of us a reason to obey the law, as it guarantees that breaches of trust do not go unpunished, and this is precisely what did **not** happen in the state of nature, where no agreement was possible or enforceable. As the sovereign is a legislator, judge and executioner, Hobbes argues that his powers cannot be divided among different persons or bodies. This is because if sovereign power is so divided it reproduces the problem of pluralism it was supposed to solve, namely who decides when these powers conflict?

We can identify a number of features of sovereignty that are discussed by many of the subsequent thinkers covered in this subject guide.

- The sovereign is not subject to any higher law or authority.
- His power is indivisible, hence Hobbes' preference for monarchy and his hostility to democracy.
- He must enjoy the monopoly of violence or physical force in his territory.
- He is not limited by the terms of any agreement with his subjects.
- He can impose punishments up to and including the penalty of death.

Activity

List three present-day issues and give reasons that illustrate the strengths and the weakness of a Hobbesian approach to sovereignty.

	Issue	Reason
1.		
2.		
3.		

Resistance, rebellion and political obligation

Thus far we have seen Hobbes' argument for the transfer of individual judgment to the absolute sovereign. The sovereign must have the final and absolute say on all the issues that give rise to disagreement, since the alternative is the anarchy, chaos and war of the state of nature. Furthermore, we all have a duty to obey the sovereign, even when he is a conqueror, because he has the power to punish our disobedience and, more importantly, because we are the authors of his laws because we have transferred our judgment and will to his direction. Hobbes' answer to the question 'Why should I obey the state?' is simple: because you have agreed to do so and because if you do not obey you will be rightfully punished. I want to close this chapter with two problems, which I will leave for you to consider (and where appropriate see how the other thinkers we discuss help answer).

First, if the sovereign can decide anything, even matters of fundamental importance to individuals, such as issues of religious belief and practice, how does Hobbes' position differ from that of a tyrant?

Secondly, we have seen that the sovereign is able both to decide matters and to impose sanctions up to and including death. If the sovereign is not bound by any external rules or laws, but can decide matters of religion and morality and sanction these decisions with capital punishment, and that he can change his mind – thus imposing Roman Catholicism one day and Islam another – does this not create both the uncertainty and fear that we find in the state of nature, as each one of us could always be subject to the threat of death from the sovereign? If so, is it ever reasonable to submit one's judgment and life to an absolute sovereign? I will not answer this question here, as it is one of the concerns of the next thinker we look at. You might consider whether Hobbes can answer this question.

A reminder of your learning outcomes

Having completed this chapter, and the Essential reading and activities, you should be able to:

- explain the role of the state of nature
- explain the importance Hobbes attaches to peace and security
- describe the nature and scope of sovereign power
- discuss Hobbes' rejection of a right of resistance.

Sample examination questions

1. Why does Hobbes describe the state of nature as a state of war?
2. Are there any limits to the authority of the Hobbesian sovereign?
3. In what ways, if any, does Hobbes' psychological theory contradict his account of sovereign authority?

Chapter 3: Locke *Second Treatise*

Essential reading

'Selections from John Locke, *Second Treatise on Government*' in Steven M. Cahn, *Political Philosophy: The Essential Texts*. (New York: Oxford University Press, 2010) second edition [ISBN 9780195396614].

Further reading

Boucher, David and Paul Kelly (eds) *Political Thinkers*. (Oxford: Oxford University Press, 2009) [ISBN 9780199215522] Chapter 12.

Aims of the chapter

The chapter provides an overview of John Locke's political theory and shows how it differs from absolutist accounts of political power such as that of Thomas Hobbes, discussed in the previous chapter. In so doing it will:

- explain Locke's account of natural law and natural rights
- contrast Locke's account of the state of nature with that of Hobbes
- explain Locke's contract theory
- describe Locke's theory of sovereignty and the right of resistance.

Learning outcomes

By the end of this chapter, and having completed the Essential reading and activities, you should be able to:

- explain the role of private property in Locke's theory of natural rights
- contrast Locke's conception of the state of nature and the origin of political society with that of Hobbes
- explain why, according to Locke, we should obey the state
- discuss the value of tacit consent as the basis of political obligation.

Introduction

John Locke (1632–1704) was an English philosopher and political theorist. He began his career as a scientist and political conservative. Through his employment with the Earl of Shaftesbury Locke became involved in Whig politics and the opposition to James II of England. James was the Catholic brother of Charles II and many feared that when he ascended the throne, James would use French troops to impose a Catholic absolutist state on England. Remember that England had been a Protestant country since the Reformation. Locke's opposition to James forced him into exile in Holland where he wrote the *Two Treatises of Government*, among other works. We will not be reading the *First Treatise* as this is only of historical interest. The *Second Treatise* (from which you will be reading selected chapters) came to be considered by many as the theoretical justification for the Glorious Revolution of 1688, in which James II was forced from the throne and William of Orange was appointed king of England.

Locke is important for two reasons. Historians of political thought still argue over how far Locke intended to provide a justification for the Glorious Revolution of 1688. Some argue that his theory is far more radical than the actual Revolution settlement that shaped British politics. Other political theorists argue that whether or not Locke was a Whig he provides a conception of constitutional government that is limited to the protection of individuals and their rights, especially their rights to life, liberty and property. Locke's *Second Treatise* is claimed as one of the foundational texts of political liberalism. Locke's liberalism is seen as an answer to the problem of political absolutism that subjects individual subjects and their liberty to the absolute authority of the king or in modern terms, the state.

The problem of absolutism

For Locke the problem of absolutism was both historical (or for him a political problem) and a theoretical problem. The Stuart kings believed in the divine right of kings to rule as they wished. However, although the king could rule without consulting Parliament on matters of law and policy, he was obliged to ask Parliament for money, or new taxes. The Stuart monarchs sought ways of raising revenue without going to Parliament, as it would always place conditions on the vote of new taxes. This would be especially problematic for a Catholic king with a Protestant Parliament. In this context some defenders of monarchical absolutism argued that the king did not need the permission of Parliament to tax, as he was the rightful owner of his realm. This is the argument of Sir Robert Filmer's *Patriarcha*, which argued that the king was a patriarch, or male head of a family that could be traced back to the descendants of the sons of Noah who inherited the earth following the flood, described in the Book of Genesis. This theory made the realm of the monarch personal property, which is only held at the monarch's discretion by all subsequent landowners. As the king owned all property he could tax without consent – all the money was really his in the first place. Locke sought to challenge Filmer's theory with his new account of the origin of political power and the pre-political origin of private property.

At the theoretical level Locke is also concerned with addressing the challenge posed by Hobbes, who argued that sovereign political power must be absolute and unchallengeable, otherwise civility and the benefits derived from society would be impossible. Hobbes argued that even if we conceive of men as naturally free and equal, such men would be obliged to give up their natural equality to an absolute sovereign. Locke, on the other hand, wants to show that men are not obliged to alienate all their rights to a sovereign, who may turn out to be a threat to their religious beliefs. Instead our rights place limits on the power of the sovereign (whether this be king or Parliament).

Natural law and natural rights

Filmer had argued that all men are born into natural subjection – sons to their fathers, and natural subjection is the lot of all mankind, daughters are subject to their father and women to their husbands and eventually even to their sons. Subjection to the monarch or political ruler is just as natural. Locke challenges this idea, and argues that men are naturally free and equal. He argues this in two senses. First, prior to the creation of the state men were actually free and equal. But he adds a further claim (which Hobbes does not) and argues that freedom and equality is a moral relation that exists even after the creation of civil and political society. This moral relation of freedom and equality is explained in terms of natural rights to life, liberty and property, which we hold in virtue of our natures.

But how do we know we have such natural rights? For Locke rights are a creation of law. To have a right is to benefit from others having duties. For me to have a right to life, you must be under a duty not to kill me, and vice versa. Rights and duties go together, but rights are inferred from duties. Duties, in turn, are derived from law, as it is law that distributes the duties, which in turn shape our rights. These duties follow from the first law of nature, which requires that we both preserve our self and all others, as long as so doing will not conflict with our self-preservation. Self-preservation, for Locke, is not merely an empirical generalisation from people's fear of a violent death (as it was for Hobbes). For Locke, we are under a strict moral duty to preserve ourselves. Why should we acknowledge such a duty? Locke's argument falls back onto a theological premise, but one he thinks it is reasonable for all men to accept. We can, for example, know that there is a creator God because there is a created order. Because there is something and not nothing, there must have been a creator who brought that order into existence. Because that order is created, the creator retains a property right in his creation, and he alone can decide on its disposal. This gives us the right to life, the duty not to harm and kill others and the liberty right to acquire the means to keep ourselves alive. We have a right to life because, as God's property, no human has a right to kill us (and destroy God's property). Similarly we have a duty not to harm others, as this would involve harming the property of another. Notice that the argument is abstract: it does not require that we believe anything more about God than that he made the world. This falls far short of the understanding of God in most of the great religions. Furthermore, the idea behind Locke's conception of natural law and natural rights is one of property. The idea of property is not merely a secondary right to material goods, it goes to the heart of Locke's account of rights, and helps explain why property exists prior to political society and also why it places constraints on sovereign political power. Locke develops the importance of property in his account of the state of nature.

The state of nature

Man's natural condition is one of moral equality under the law of nature. We all have rights to life, liberty and property that do not depend on the discretion of others. As such, we need to explain how political authority arose. No one is born subject to the political authority of another, as this would be a denial of our status as free and equal subjects. We are born subject to the natural authority of parents but, Locke is keen to claim, this is different from political power. Political power is the right of making law and imposing punishment with a view to protecting property (*Second Treatise*, Chapter 1, pp. 246). Natural authority applies only to children; once we attain the age of majority our obligations towards our parents change. There is no natural political authority. Instead political society is an artefact – something that we make, not something that is already there. Like Hobbes, Locke uses the idea of a state of nature to explain why we make political society. Unlike Hobbes, Locke's account of the natural condition is very different. For a start it contains sociability and is not a war of all against all. In fact Locke presents an account of the state of nature as one in which property is acquired, enclosed and cultivated, and in which individuals engage in commerce and trade. Locke spends a lot of time explaining how we can acquire private property in the state of nature – that is before we have political society. He offers two crucial arguments; the labour theory of value, and the 'labour-mixing' argument. We don't need to spend too much time on these arguments, although many commentators spend a lot of time on Locke's theory of property.

Activity

Distinguish Locke's two accounts of how we can acquire property in the state of nature. Give one strength and one weakness of each answer. Waldron's chapter in Boucher and Kelly should help you.

	Strength	Weakness
1.		
2.		

What is important about Locke's argument is that we can have privately owned property in ourselves and in material goods in a pre-political state of nature. We even have social conventions such as money to deal with problems of acquisition when all land is already owned. If you cannot cultivate your own food, you can sell your labour and buy food, so satisfying the requirement to preserve yourself. In making this argument Locke is challenging the idea advanced by Hobbes: that without the state there is no society, only a war of all against all. But if Locke is right then we have a challenge posed by anarchist thinkers ever since his time. If we can have society before the state, and without the state's coercive institutions, why should we have a state at all? Locke is certainly no anarchist, so how does he respond to this challenge?

For Locke the state of nature is not one of persistent war, but it is one that contains considerable inconveniences. His model of the pre-political condition is not a civil war, but is more like the 'wild-west' in American western movies. Here we see society, but also the disruptions of everyone acting as their own judge, jury and executioner. Just as western stories are based on revenge and retaliation until an impartial judge arrives, so in Locke's theory we all retain the executive power of the law of nature – we are all allowed to judge and punish breaches of the law of nature. The problem with this is that we all tend to judge our own case differently to others. This lack of impartiality can result in a response from others in the following way. If someone breaks into my neighbour's house I might judge that imprisonment is appropriate. If someone breaks into my own house, I might judge that the death penalty is appropriate. If I then kill such an intruder, his family might judge my own actions as disproportionate and want to punish me, before too long we have a cycle of revenge and retaliation. What we need is a judge, who will act fairly in imposing punishment. Thus we have a crucial difference from Hobbes' conception of the state. For him, the state is like a lawgiver, it decides what is right or wrong and imposes its judgments accordingly. For Locke, we already have a law of nature to tell us what is right and wrong. What we need the state to do is to act as an impartial judge between conflicts of right. So Locke's account of the state of nature as social but inconvenient gives man a reason to establish a state as impartial judge.

Activity

List two differences between Locke's state of nature and that of Hobbes.

State of nature	Locke	Hobbes
First difference		
Second difference		

Contract and consent

The inconveniences of the state of nature give us a reason to establish political society or the state. But as we are naturally free any notion of political obligation – the duty to obey the state and the law – cannot just be required of us, we must freely choose it. As we have a right of freedom, that freedom can only be given up freely. Consequently, the origin of political authority must be an agreement among those subject to it. It is for this reason that Locke adopts a contract theory. It is also clear from his argument and his response to his critics that he thinks this contract must have occurred at some point in history. Locke's argument is not a simple hypothetical contract; it must be a real agreement. There are two parts to Locke's contract theory. The first part comprises a group of individuals agreeing to form a political society. This involves putting their property under public regulation. This stage of the agreement is irrevocable. Locke's idea is that once a group of people have combined their property into a territorial political community, then that entity is permanent. A state is territorially constituted and prevents its members from transferring property to another state. To give an example, the property owners of the City of London could not sell their property to another country such as France, such that France had a small enclave in the heart of Britain's capital city. The second stage of the argument is agreeing to submit one's private judgment about the law of nature to a public judgment. This public judgment does not have to be a unanimous judgment, but can be a majority decision.

Locke is aware that his argument seems only to justify the establishment of political authority among the original contractors. But if that is the case, how has he rendered political authority consistent with freedom, unless each generation contracts anew? Locke's answer is to take a dimension of contractual agreement and make it the primary focus of his account of political legitimacy. This dimension is consent. Consent is Locke's most important contribution to contract theory. He then distinguishes between express and tacit consent (*Second Treatise*, Chapter 8, pp. 257–8). **Express consent** is straightforward and involves explicit agreements such as promises and oaths of allegiance. But of course not all individuals take such oaths, and in Locke's day hardly any Englishman could be said to have expressly consented. Locke then introduces the idea of **tacit consent**. This does not have to be given in a conscious agreement; indeed it can be inferred from such familiar acts as enjoying the benefits of a political society or walking along the highway. All men have the opportunity to tacitly consent; therefore the law of the land will be consistent with one's freedom. Indeed, you might want to consider whether Locke's account of tacit consent is too successful, so much so that we cannot actually withhold consent!

Activity

List two examples of acts of tacit consent and two examples of acts of express consent.

Tacit consent	Express consent
1.	1.
2.	2.

Sovereign power and the right of resistance

We can now see Locke's answer to the anarchist – why we need political authority and power at all. Locke has also shown us how political authority is created through an original contract, and how its legitimacy is confirmed through time by acts of tacit and express consent.

However, Locke still needs to provide a final answer to absolutists such as Filmer and Hobbes, by showing that there is a middle way between absolutism and anarchy. Locke provides this through his account of sovereign political power or the state. The argument takes the following form. We establish political society, which is the combining of our individual rights to execute the law of nature. This results in a common or public will which results in laws that we can all consent to for the public regulation of our rights, and which therefore overcomes the inconveniences of the state of nature. Locke assumes that this majority will is then delegated to a representative body – a government – that acts on behalf of the people. Government is a trust exercised on behalf of the sovereign people. But because it is a trust, this delegated power can be *withdrawn*, as we shall see shortly. By using the idea of a trust, Locke wants us to remember that we must give government considerable scope to interpret what laws are appropriate to secure our civil interests – life, liberty and property. He also wants to leave open the question of how we choose those to whom we delegate sovereign power. You should try to discover how far Locke's arguments support representative democracy.

This notion of political authority as a trust is very important for Locke and for subsequent liberal and constitutional political theories, as it reinforces the idea that political power should be used for a clearly defined set of purposes and only for those purposes. To this end Locke specifies four important constraints on legislative power.

- It cannot be arbitrarily exercised over the people. It is confined to the protection of the civil interests of the people – their lives, liberties and property.
- As such it must be exercised through clear and determinate laws and enforced by independent and known judges. It is the rule of law and not of men.
- No one can be deprived of her property without consent. So there can be no taxation without consent and representation.
- The legislature cannot transfer the power of making laws to another body – such as another state or a religious authority. French kings or Catholic popes cannot make English laws.

Each of these constraints is designed to prevent the representative – whether it be a parliament or a monarch – from developing an interest that conflicts with the public interest, and then using that interest to justify denying individuals their freedom or property. To further frustrate the idea of arbitrary rule, Locke also suggests a separation between the legislative function and the executive branch of government. This idea is taken up and formalised in the Constitution of the United States of America almost a century later.

The final part of Locke's theory is the right of resistance (see *Second Treatise*, Chapters 18–19, pps. 267–273). Locke acknowledges that the best constitutional plans can be subverted. However, unlike Hobbes, Locke recognises a right to resist a government that subverts or denies the civil interests of its subjects. So any king or assembly that tried to impose

a religion, or deprive people of their property without agreement, or that gave political recognition to a foreign power (all things threatened by James II's rule) would lose its right to obedience. Notice that Locke presents the argument as a right to resistance and not rebellion. When a government acts against the civil interests of its subjects it acts against the law of nature and so our obligations to it cease. Opposing such a government is not rejecting a rightful obligation (that would be rebellion) instead it is a kind of self-defence. Remember that our most basic obligation is self-preservation. Exercising the right of resistance does not throw us back into the state of nature, it merely recognises the absence of obligation to a particular government.

The more problematic part of Locke's theory is how the right of resistance is compatible with the necessary trust we must show in both government and his principle of majoritarianism. Suppose a majority Muslim population wished to impose shariah law, or a majority Catholic population wished to criminalise abortion and restrict divorce, would these be cases for a legitimate resistance on the part of the minority? After all, the majority could say that the restriction of liberty is not a problem because it is based on consent and not merely imposed. Surely not just any minority can claim legitimate resistance. Some will object to paying legitimate taxes (needed to fund the courts, police and military). Could their objections undermine the legitimacy of the law. Locke leaves many of these complex questions unclear, and he provides a strong case for trusting government to make such hard choices. After reading chapters 18 and 19 of the *Second Treatise*, you might try and think of other contemporary issues that illustrate the difficulties of reconciling political power and a right to resistance.

Activity

Give one strength and one weakness of Locke's right of resistance.

Strength	Weakness

A reminder of your learning outcomes

Having completed this chapter, and the Essential reading and activities, you should be able to:

- explain the role of private property in Locke's theory of natural rights
- contrast Locke's conception of the state of nature and the origin of political society with that of Hobbes
- explain why, according to Locke, we should obey the state
- discuss the value of tacit consent as the basis of political obligation.

Sample examination questions

1. If we can have society in Locke's state of nature, why do we need the state?
2. Why does Locke argue that private property is a pre-political right?
3. Explain and assess Locke's distinction between express and tacit consent.

Notes

Chapter 4: J.S. Mill *Utilitarianism* and *On Liberty*

Essential reading

'Selections from J.S. Mill, *On Liberty*' in Steven M. Cahn *Political Philosophy: The Essential Texts*. (New York: Oxford University Press, 2010) second edition [ISBN 9780195396614].

J.S. Mill *Utilitarianism* in J. Gray (ed.) *On Liberty and other essays*. (Oxford: Oxford University Press, 2008) [ISBN 9780199535736].

Further reading

Boucher, David and Paul Kelly (eds) *Political Thinkers*. (Oxford: Oxford University Press, 2009) [ISBN 9780199215522] Chapter 21.

Aims of the chapter

John Stuart Mill is one of the most important defenders of the ideal of individual freedom of speech and expression, yet he combines this with an ethical view that identifies the right action, policy or law as that which maximises the greatest happiness of the greatest number. In this chapter we will explore the coherence of Mill's philosophy, and we will also examine the way in which he sees the main threat to liberty or freedom to have changed from the state to society with his fear of the tyranny of the majority. In this chapter we will:

- explain Mill's psychological hedonism
- explain the connection between utilitarianism and liberty
- describe how Mill attempts to overcome the threat of majority tyranny
- assess Mill's defence of free speech and individuality.

Learning outcomes

By the end of this chapter, and having completed the Essential reading and activities, you should be able to:

- explain Mill's psychological hedonism
- describe the relationship between his utilitarian and liberty principles
- discuss the distinction between self – and other – regarding actions
- state what for Mill, is the biggest threat to liberty in modern societies.

Introduction

John Stuart Mill (1806–1873) was born in London, the son of James Mill a radical politician, administrator and historian of British India. For a time the Mills rented a house in the grounds of the London home of Jeremy Bentham the great radical philosopher and founder of utilitarianism. The young Mill was educated by his father separately from the influence of other children, beginning classical Greek at three years of age, followed by Latin then history and political economy. In his teens he became involved in radical politics and in his late teens he entered the employment of the East India Company in a position equivalent to a senior civil servant.

Mill had a famous emotional crisis, brought on by the recognition that a life devoted to the greatest happiness of the greatest number left him personally cold and empty. He recovered a sense of personal worth through romantic poetry and the companionship of Harriet Taylor. Mill and Taylor began a relationship that lasted for the rest of Harriet's life, despite the fact that she remained married to another man. Although the relationship was 'chaste' and appears to have been the marriage of 'two minds' it nevertheless challenged most of the conventions of Victorian morality. Mill was the author of numerous large and important books on logic, political economy and philosophy, yet his reputation is largely based on a series of short essay-length works written towards the end of his life of which the two most famous are *Utilitarianism* and *On Liberty*.

Utilitarianism offers an alternative basis to natural law for our moral and political obligations. It asserts that actions, policies and laws are right and obligatory in so far as they maximise the greatest happiness of the greatest number. Mill understands happiness to be the psychological sensation of pleasure and the absence of pain, so he is often described as a psychological hedonist. Utilitarianism seems to suggest that if a restriction on liberty (such as free speech) makes people happier then it is justified. Yet Mill is also a defender of unrestricted personal liberty. His essay *On Liberty* is one of the most important modern defences of freedom of speech, expression or lifestyle even when this causes offence to others. Mill's arguments are still deployed in contemporary debates about multiculturalism and whether the state should legislate on moral or religious matters.

Pleasure and pain

Mill's intellectual 'godfather,' Jeremy Bentham, argued that nature placed mankind under the 'governance of two sovereign masters; pain and pleasure'. With this claim he attempted to explain all human motivation and also explain the basis of value claims. In this way Bentham established the basic psychology of utilitarianism, namely psychological hedonism. Despite an equivocal relationship with 'benthamism' following his mental crisis, by the time John Stuart Mill came to write *Utilitarianism* he fully endorsed this basic position. However, Mill was also aware of the consequences of adopting this theory. Whereas Bentham was prepared to concede that 'pushpin [a kind of pub game] was as good as poetry' as long as they both produce the same quantity of pleasure, Mill was afraid that left no room for culture or art and effort. If values are merely sensations of pleasure then we are no better than pigs. Put simply, if we imagine a balance, with any of the greatest cultural achievements on one side, then as long as we have enough pig-like comforts, these must outweigh the pleasures of intellectual discovery, artistic creativity or moral heroism. And if humans were given enough swinish pleasures – food, warmth, sex and sleep this would outweigh whatever good they might forgo in terms of their liberty, creativity and individuality. Mill rejects this 'benthamite' view whilst accepting the basic terms of psychological hedonism by introducing a dual-standard theory of value with his distinction between higher and lower pleasures.

How can we make sense of this distinction between pleasures? Mill claims that a commitment to psychological hedonism does not open one to the charge that all human pursuits are no better than those of animals. Mill constantly refers to the higher pleasures as being those that manifest the elevated capacities of human intellect and creativity. Indeed he largely contrasts the higher pleasures with sensual pleasures. Human beings are certainly capable of desiring far more than mere sensual gratification. Even if we exclude the idea that many ascetic religions may have taught

us to unduly despise the body and its pleasures, we can still see that throughout history accounts of human flourishing have involved more than sensuality or material gratification. Many human purposes and goals involve considerable hardship and sacrifice, yet they remain human goods. The question is whether Mill introduces a non-quantitative dimension to his hedonism, for if he does then pleasure is no longer the criterion of value, as there are now types of value where the difference is quantitative not qualitative. If this is what Mill thought then his distinction between higher and lower pleasures is either spurious (he is hopelessly confused) or merely apparent (it is simply a rhetorical ploy). Scholars have both criticised and defended Mill's distinction and no interpretation of his argument has satisfied all critics. That said, something could be said for Mill. If we turn to Mill's evidence that there are superior and inferior classes of pleasure, we can see that he is not merely referring to a single sensation but to classes of activity that give rise to pleasure – pleasure is merely a shorthand for the things that give rise to pleasure. And that there are superior classes of pleasure is evidenced by the fact that some people will not accept any amount of a lower pleasure in place of a smaller amount of a higher pleasure. Mill thinks this fact of expertise supports the distinction.

The distinction between higher and lower pleasures is supposed to rescue psychological hedonism from being a philosophy for swine, but in so doing it raises the prospect of moral and cultural expertise. As we shall see in the case of liberty, Mill is both a defender of the possibility of expert elites and sceptical of claims by individuals and groups to be such elites.

The principle of utility

John Stuart Mill is one of the most important theorists of utilitarianism, yet utilitarianism is a contested doctrine even among utilitarians. At its simplest it is 'The creed which accepts as the foundation of morals, Utility, or the Greatest Happiness Principle, holds that actions are right in proportion as they tend to promote happiness, wrong as they produce the reverse of happiness.' (*Utilitarianism*, p. 137).

All actions, policies and laws should be judged in terms of how much utility or happiness they generate and when we are faced with a choice we should choose the one that creates most happiness. It is because utilitarianism is a maximising theory that introducing qualitative distinctions among pleasures is so controversial, because if there is no common unit of value produced by different acts, policies or laws, then how can we choose between them? Political choices would be like choosing between apples and oranges.

Notice that Mill's utilitarianism is both a criterion of rightness and a decision rule or criterion of obligation – it tells us which actions, laws and policies are the best and which we should pursue. But what precisely is Mill arguing here? Commentators have identified a number of different positions that can be attributed to Mill. First, there is act-utilitarianism. This assumes the most literal interpretation of Mill's argument that in each case of acting each person is under an obligation only to do that which creates the most happiness. But if act-utilitarianism is true then we could have no general obligation to obey the law, because there would always be a question whether obeying the law in a particular case would maximise pleasure. Nor would we have an obligation to keep promises or repay debts. This has led some commentators to claim Mill is a rule-utilitarian. Rule-utilitarians argue that we only have an obligation to act in accordance with the rule that maximises utility when most people follow it; this explains why we have

rules about keeping promises and telling the truth. But this interpretation has been criticised because it is unstable, as we could always find a rule where general compliance plus exceptions would be even more beneficial and then we seem to collapse back into act-utilitarianism. This has led some recent commentators to argue that Mill is not a direct utilitarian at all. This means that the principle of utility is not a direct source of obligations. It is argued instead that Mill is more properly seen as an indirect utilitarian – that is someone who thinks utility is best maximised as an indirect result of following rules and laws. This interpretation seems to be born out by Mill's argument in Chapter V of *Utilitarianism*, where he introduces the punishability criterion of rightness or duty. This claims that 'We do not call anything wrong, unless we mean to imply that a person ought to be punished in some way or other for doing it; if not by law, by the opinion of his fellow creatures; if not by opinion, by the reproaches of his own conscience.' (p. 184). Mill's point here seems to be that there are some acts which are not only not maximally beneficial, but so important that we consider their non-performance harms, injustices or even crimes and impose punishments. This still leaves open the question of how we identify the harms, injustices and crimes that we think need punishment and whether these may change over time, just as we no longer think of witchcraft as a crime deserving punishment. If we introduce simple utility calculations to identify those things that fall under the punishability criterion are we not back where we started with act-utilitarianism?

Mill does not give us a simple answer to the question of how we should interpret his utilitarianism, but that he considers some wrongs more serious and deserving of social sanction is clear from his defence of liberty, to which we shall now turn.

Activity

List three strengths and three weakness of utilitarianism as the basis of morality and politics.

Strength	Weakness

The tyranny of the majority

Mill's *On Liberty* provides one of the most important defences of individual freedom of thought and expression. Yet it departs from the defences of individual freedom provided by earlier thinkers such as Locke. Locke defends individuals' rights against the absolute monarch – we can contrast his position with Hobbes' defence of absolutism against freedom, although Locke is not responding directly to Hobbes. Mill however, takes a different route. For Mill, the main threat to individual freedom no longer comes from the arbitrary and absolute ruler, indeed Mill suggests that this is now merely an historical matter that was satisfactorily dealt with by the likes of Locke. Instead the threat to liberty is posed by society itself and by what Mill calls the tyranny of the majority. This is especially important in modern societies that have representative and democratic governments – Mill was writing at a time when the vote was being slowly extended. Mill was undoubtedly a democrat and believed in the universal suffrage

(including for women) but he also saw possible dangers in the rise of democracy especially where this reflects the creation of a homogenous mass society. The main threat of mass society is the pressure of opinion and the imperative of conformity. Mill saw the potential for representative democracy to pose a threat to individuality by its encouragement of oppressive moral conformism. In Mill's own day the virtues of sobriety, thrift and industry, all essential for the progress of a thriving commercial society, were being enforced through social pressure and anyone who departed from these conventions was likely to face condemnation. The problem Mill faced with respect to the tyranny of the majority is twofold. First, his utilitarian theory suggests that whatever makes the majority happiest is right, and this seems to support the democratic majority oppressing the views and lifestyles of eccentrics, artists and anyone else who is different. So Mill has to show how a defence of freedom against conformism is compatible with his utilitarian philosophy. Secondly, Mill is afraid that conformism will result in social stagnation and this will make mankind worse off in the long run, as life becomes colourless and empty and devoid of diversity, invention and creativity.

The task of *On Liberty* is to show why modern states, especially democracies, should restrict the scope of their actions to defending individuals from harm and otherwise leaving them alone to pursue their own lives. The state should not treat its citizens as children or try to make them morally good (it should not be paternalistic) and it should refrain from paternalistic legislation even when the majority wants it.

Activity

Think of three examples of paternalistic legislation and list the benefits and costs of those laws. You can use contemporary examples from any state.

Example	Cost	Benefit
1.		
2.		
3.		

The harm principle

In *On Liberty* Mill argues that '...the sole end for which mankind are warranted, individually or collectively, in interfering with the liberty of action of any of their number, is self-protection', or as he puts it later '...to prevent harm to others' (p. 14). This idea is supposed to be simple but raises many questions. The liberty principle is supposed to identify a sphere of self-regarding actions over which the individual is sovereign, and the only limits on this sphere are that one does not harm others. For example, if I want to use narcotic drugs, like heroin, that is my concern, unless I have to steal property or cause violence to others in order to obtain the drug. Another example is that I can drink myself into a stupor unless I am a train driver or a soldier on duty. The context of whether an action is the concern of others and therefore a matter of public regulation depends on whether it is harmful to others. That an individual might be harming himself is not the state's concern. It is no part of government's role to make men moral or even healthy if they should choose to engage in dangerous activities that are dangerous to themselves alone.

This might well look simple on the surface, but in distinguishing exercises of self-regarding action, must we assume perfect knowledge? Can an individual experimenting with dangerous drugs, or other forms of expressive behaviour, be assumed to have a full knowledge of the risks involved? And if not, does this qualify the extent to which the person concerned is responsible for the outcomes? Or can paternalism be defended in terms of providing the conditions in which genuinely informed free choices can be made? If this view is adopted then it would seriously qualify Mill's commitment to liberty, because it would open the door to a highly active regulatory state. But if we reject that option, as Mill suggests we should, then we are faced with a world in which much health and safety legislation is ruled out and in which the simplest actions turn out to be potentially life threatening. Again Mill has to square his extensive commitment to personal liberty with the apparent conflict with the general welfare.

More importantly, many anti-libertarian critics of Mill argue that the very idea of a realm of purely self-regarding actions is meaningless. There are no purely self-regarding actions. All our actions have an impact on others whether we like it or not. If I choose to adopt some experiments in living, they might harm my children by depriving them of care and resources, furthermore they might harm my parents' reputation or that of my employer. Those around me might claim to be harmed by the feelings of distaste or injury to feelings that they claim follows from experiencing my actions and lifestyle. If all these apparent harms are a justification for restricting liberty then again we are faced with a realm of self-regarding action so small as to be non-existent. In that case Mill's defence of liberty is nothing of the sort, it merely results in a utilitarian regulative state.

Mill tries to fend off these challenges by distinguishing between harm and offence. People might well be offended by one's self-regarding actions, but the crucial difference between offence and harm is that offence can be avoided. If you don't like my beliefs or lifestyle you can avoid me. If, on the other hand, they cause harm, the obligation falls on the perpetrator to stop or be punished. Other commentators have drawn on the argument about justice in Chapter V of *Utilitarianism* and claimed that, if this is read alongside *On Liberty*, then we can see harm as referring to individuals' vital interests only. This might help us to narrow the scope of the other-regarding dimension of harmful acts, so that I cannot be harmed just because someone else does something of which I disapprove.

Activity

Using your examples of paternalistic legislation, identify whether they apply to self – or other – regarding actions.

Freedom of speech

Having set out his argument for the liberty principle as a harm principle, Mill goes on to present a defence of the ideal behind the commitment to liberty. In this argument he presents a case for the importance of the maximum freedom of thought, expression and lifestyle. In the next two sections we will explore this ideal of freedom, and how far they provide a utilitarian defence of freedom.

The utilitarian defence of freedom of speech and discussion is based on a concern with social and moral progress. Mill was ultimately concerned with very profound questions about what makes a life go well or have value. In response to critics of psychological hedonism, Mill defended the

view that human nature is not simply passive and, therefore, a fulfilling life cannot simply be reduced to the passive sensations of pleasure. The highest pleasures are associated with the cultivation of active faculties such as the intellect, and therefore the best life will involve the cultivation and exercise of our intelligence and creativity in the arts, literature, science, philosophy, ethics and politics. Without this commitment to self-culture human societies become static and face cultural stagnation and then decline. As Mill also thought that economic growth was ultimately finite, it was likely that mankind would soon reach a stage where the only possible development of human potential was in the spheres of culture, philosophy and morality. It is this ideal which underlies his commitment to freedom of speech and self-culture, but it is also this ideal which puts him in conflict with the moral authority exercised by organised religion. For Mill's ideal of experiment in thought and lifestyle challenges the fact that any moral perspective can be complete and fully authoritative, and this in turn challenges the idea of revealed religion, and also the authority of churches to assert the teachings of revealed religion.

In opposition to the authoritative pronouncements of revealed religion, Mill asserts the problem of human fallibility. For Mill the quest for knowledge requires that there is a competition between beliefs, hence his commitment to unrestricted freedom of thought and speech. It is only by allowing all views to enter into debate that we can test the truth of opinions and open up the possibility of scientific progress. And even if the balance of probability makes a certain belief apparently incontrovertible, there is still value in allowing debate, as this is essential for 'truth' to retain its vitality and for people to understand the reasons for holding a belief. For Mill there is never any utility in subordinating judgment exclusively to an authority such as a church or a social convention. Without the constant test of debate and controversy, scientific progress is frustrated and social progress will wither. Furthermore, there is never a reason for censoring beliefs as such.

That said, the context in which beliefs are expressed might provide a reason for restricting expression. Thus for Mill, one has every right to hold the view that all corn dealers are thieves and to publish this in pamphlets and books. One does not however, have the right to shout this to an angry crowd outside a corn dealer's house. Restricting the context of expression, however, can never extend to restricting the content of speech no matter how repugnant someone's views may seem. Thus although Mill would have no trouble with restricting incitement to racial violence, he would also have no time for the idea of 'hate-speech' where the mere expression of certain views is itself a harm. Holocaust deniers, racists, homophobes and any other category of bigots are all entitled to hold, and be protected in expressing their beliefs, according to Mill's theory. But the real challenge to revealed religion comes not simply from the contest of opinion, where religious beliefs must compete alongside atheistic views. The main challenge is the implicit denial of authority in moral and political reasoning. Authorities are to be held to account before the public tribunal of individual reason and judgment. Religion and social convention have no privileged status, even if they represent the majority view.

Activity

Think of a contemporary example of a debate about free speech. Does Mill's argument help to explain what is at stake in your example?

Individuality

Mill makes a similar case in his defence of the ideal of individuality. Again he asserts the necessity of experiments in living (the accommodation of unconventional lifestyles and relationships) as a means to personal growth and self-culture and as a means of discovering the nature of the good life. Even though Mill had defended the idea of higher pleasures and moral experts in *Utilitarianism*, he is particularly sensitive to the claims for moral expertise. Moral expertise depends upon the challenge of experiencing alternative lifestyles and relationships. No one can claim that they have the definitive account of the good life for mankind and impose it on others. This is because from a personal perspective the good life cannot be imposed from the outside, but must be endorsed from the inside: Mill asserts the autonomy of the individual in the face of claims of authority. But furthermore, Mill is concerned that the substance of the good life is not fixed and static for all time. It is important to note that Mill's argument depends on the validity of his critique of absolute truth claims and authority in his discussion of freedom of speech and thought. The tyranny of mass society has the effect of turning the conventional practices of society into received and unquestioned truths that must be imposed on all, but these could be wrong, and history has shown that these were often wrong. Mill gives the examples of Jesus Christ and Socrates who were both executed for challenging the conventional beliefs of their own times, yet who have gone on to be the two most important moral teachers of the west. Mill is happy to appeal to Jesus as a moral teacher even though he rejects the Christian belief in the divinity of Jesus. Consequently, we cannot be certain that we have acquired the truth in morality and ethics any more than we can in the natural sciences, and that in persecuting those who are different we might be silencing the moral teachers and exemplars of the future.

Activity

List examples of great scientists, artists and other historical figures that lived unconventional lifestyles, which might support Mill's hypothesis about the value of individuality.

Name
1.
2.
3.
4.
5.

A reminder of your learning outcomes

Having completed this chapter, and the Essential reading and activities, you should be able to:

- explain Mill's psychological hedonism
- describe the relationship between his utilitarian and liberty principles
- discuss the distinction between self – and other – regarding actions
- state what for Mill, is the biggest threat to liberty in modern societies.

Sample examination questions

1. Can one separate self-regarding from other-regarding actions?
2. How does J.S. Mill try to answer the criticism that psychological hedonism is a 'philosophy for swine'?
3. Why does J.S. Mill attach such importance to liberty?

Notes