

LECTURE 1 PHILOSOPHY 166

Quickie overview of course writings.

JOHN LOCKE. Writing in the aftermath of a successful aristocrats' and merchants' uprising against the reigning English monarch, Locke is defending the new order. But even though he is writing in a particular social and political context and addressing issues of his day, the argument he actually makes is general in form. He does not appeal to specifics. If his argument succeeds, it applies just as much to us as to Locke's own English contemporaries.

Locke's main idea is that there are moral limits to what the ruler of your society can legitimately do to you. Each person has moral rights that do not depend for their validity on current arrangements in place. Violations of these rights are wrong, no matter who perpetrates them, even the king. If the king (or any political ruler) goes in for too much rights violation, it is right to rebel. Whatever obligation you may otherwise have to obey constituted political authority ceases to hold in the face of egregious rights violations by the political authority. Locke argues for limited government, against the view that a king has unlimited legitimate authority and is answerable to no one except God in the afterlife.

There is also in Locke a positive account of the conditions that must be met if government is to have legitimate authority. Governments claim a special unique authority to control the use of violence and threats of violence on their territory and to issue commands to their subjects backed by force that subjects are obligated to obey. No doubt in some cases these claims are bogus. Are they ever sound? If so, when?

Locke's account of the source of legitimate governmental authority is complex and messy. He puts forward two ideas, each intuitively attractive in its own way. But how they are supposed to fit together coherently is not really clarified in Locke's text.

One proposal made by Locke is that people have rights, and a legitimate government is one that (a) does not violate the rights of its subjects and (b) effectively protects their rights. If government is nonoppressive and performs the function of protecting subjects' rights, it is legitimate.

Another story Locke tells is that legitimate authority derives from the consent of the governed. People are not naturally born into subjection. No one is born a slave, owned by another. No one is born a partial slave, partially owned by any other person. We are born free (more exactly, we are born entitled to the status of freedom, which we actually get when we become adults). Each person (very roughly) owes to every other a basic forbearance—not violating the other's rights by force, fraud, theft, assault, and so on. But we acquire positive obligations to do things for others through our voluntary acts and choices. I make a promise or contract, I am bound to keep it. I bring a child into the world, I am obliged to raise it properly. We acquire obligations to obey people who set themselves up as political rulers only by our free and voluntary consent. In the absence of consent to government, we have no obligation to obey any would-be

political authority. We are bound to obey the king (if indeed we are) because we have promised or contracted to obey the king. There is as it were a social contract between political ruler and political subject.

Despite the intuitive and common sense ring that the consent account has for many readers of Locke, this doctrine does not obviously mesh coherently with the first account. Moreover, though Locke never seems to recognize this, the practical implication of the consent account seems to be anarchy. Most people in Locke's day and ours have not freely and voluntarily consented to their government, so most people at most times have no political obligation to obey constituted authority on this account.

The dark side of Locke's account is this conflict between the government-does-its-job-of-protecting-rights and the governments-elicits-voluntary consent accounts he gives of political legitimacy. Some commentators see the problems here ramifying. Locke seems to assert the freedom and rights of political subjects, but his attempt to show that we are all obligated at least by tacit consent to any rights-protecting government suggests that property owners can unite their land to form a state whose character they determine, and the propertyless born in this regime are fully obligated to obey because just by being on the land they are deemed to have given tacit consent to it. Putting this worry another way, some critics of Locke worry that the freedom and equality of rights that Locke's text promises for all turns out in important respects to be freedom and equality for property owners only.

JEAN-JACQUES ROUSSEAU. Rousseau starts with a concern quite different from what animates Locke's account. Rousseau sees a social world of subjection. Some people dominate others; the powerful subject the weak to their will. The roots of this subjection go deep. Rousseau asks: in the face of the social inequality we see, which seems obviously wrong, can people live together in society and submit to political authority while they remain free and equal?

The reader immediately wants to ask Rousseau: free and equal how? What types of freedom and equality are we talking about?

Rousseau is concerned with freedom in two senses: (1) freedom as moral autonomy, achieved by an individual when she obeys only laws she imposes on herself, and (2) freedom as independence, achieved by an individual when she is not subject to the will of another person. The equality that matters is equality of this freedom.

Rousseau thinks democratic governance of the right sort is the unique solution to this problem. So Rousseau is arguing that democracy (and democracy alone) is a morally acceptable form of governance. The issue, what sort of government is morally OK, is not an issue that Locke addresses. Locke is concerned that the ruler—king, aristocracy, council of elders, democratic majority, what have you—not violate the rights of the subjects. What form a government should take in order to be morally OK is not a salient issue for Locke. Here Rousseau's intellectual agenda and Locke's differ.

Rousseau has a complex analysis of what puts one person in thrall to another, what makes one person subject to the will of another.

One obvious scenario that fits the bill is unequal force, unequal command of the means of violence coupled with a disposition on the part of the better endowed to use the power imbalance to his advantage. The robber who credibly threatens you, demanding “your money or your life” subjects you to his will.

But Rousseau paints a vivid picture of distorted albeit common psychological relations that give one person power over others. We humans tend to depend on others for approval and esteem. We need the assurance and reassurance of our worth that comes from recognition extended by others. This need for approval and esteem according to Rousseau gets inflated easily. We are creatures who are prone to inflated vanity, weak egos, exaggerated need for esteem and approval that renders us dependent on those significant people around us who can confer or withhold this approbation. We are also prone to strategic manipulation of diverse sorts whose aim is either to reduce our dependence on others by coercing their good opinion or to trick others into giving us the approval we seek or flatter others into conferring recognition on us. The status that comes from approval by others also tends to be in the nature of a scarce nonreproducible good, so competition for it is inherently fierce. If my self-worth requires that others bow their hats to me, acknowledging my superiority, and their self-worth requires that I bow to them, we are locked in conflict. A society can evolve into a competitive rat race in which the status one gets, another loses, and social conflict ultimately is a contest for superior esteem, needed by inflated and inflamed vanity. This is courtly Paris of the 18th-century as Rousseau experiences it—a rat race in which we all compete for esteem and status, social life is a hierarchy with degradation for those at the bottom, but the overall effects are that we are all collectively made worse off by the struggle for esteem and by our participation in this race for status.

Rousseau is of the opinion that the psychology of inflamed vanity tends to become distorted and give rise to social pathology in a society with significant material inequality and especially in a society in which esteem is not conferred in accordance with nature. Excessive material inequality tends to be both cause and consequence of the social rat race. The conferral of esteem “according to nature” would be distribution of esteem according to natural merit—the race is won by the fastest contestant, praise for singing well goes to the best singer, and so on. In the society of inequality, social hierarchy and inauthenticity thrive. All this contrasts with the society of democratic equality, where the virtues thrive and social pathology is muted. In a democratic society, the general will prevails, and the general will is the authentic will of each of us, so submitting to political authority in this setting is compatible with being autonomous and obeying only myself. The contrast between the society of inequality and vice and the society of equality and virtue Rousseau sometimes imagines as the contrast between Paris and Geneva.

Rousseau presents an account in which a democratic political order is justified by its contribution to human freedom, but it is interesting that there is a broad type of freedom prized by many that he seems to regard as inconsequential. The freedom Rousseau seems not to care about is freedom to choose among a wide array of valuable and significantly diverse options. In this

sense I am very likely to be more free living in NYC than living in small town in rural Iowa. I am free to choose among more significantly different and valuable activities, careers, ways of life, and lifestyles in the urban setting.

Along with this indifference to wide option freedom Rousseau's thinking reveals his conviction that there is a natural, simple way of life, quite unlike modern sophisticated hypercosmopolitan life, that is more suited to our nature and will more reliably give us true happiness. In this vein of thought Rousseau is the proto-Green philosopher, the advocate of the "natural" as against the "socially contrived or artificial".

This side of Rousseau's thinking seems to me problematic, a dark side if you will. But for most critics of Rousseau, his dark side is a distorted understanding of human freedom that excessively values collective agreement on a common good. Rousseau's doctrine of the general will is thought to be illiberal and even a precursor of modern totalitarianism in some respects. According to the critics, Rousseau's solution to the problem of maintaining freedom in society goes astray in seeing a total alienation of individual rights and even one's individual opinion to the outcome of the collective political process as necessary and desirable. Some see Rousseau as the first advocate of democratic equality and some see him more darkly as the first political theorist who ultimately renounces significant individual rights against society.

KARL MARX. You might think of Marx, for our purposes in this course, as Rousseau plus factories. He is concerned with Rousseau's issues, but they present themselves in a different way in the middle of the 19th century, marked above all by the rise of industrial capitalism and with it great economic growth in England and then in some European countries and the U.S.

What is the difference that the rise of capitalism makes to the problematic of freedom and equality? Marx's slogan is, "There is enough for all." The gist of Marxism is that economic and technological progress culminating in the development of capitalism creates a world in which for the first time social equality is compatible with a good life for all. The problem that human beings face at the dawn of history is scarcity of resources; we humans have meager resources to transform nature to satisfy human needs. In this sense the basic human problem is economic. Once human economic organization, maybe with the development of agriculture, produces a social surplus above what is barely required for subsistence, then the social surplus gives the potential for a complex and satisfactory human life, but if we divided the surplus equally, there would not be enough for a commodious life for anybody, so we quite understandably and in a way naturally get social conflict—people band together to struggle for control of the social surplus. This is the origin of class struggle and class domination. Human history is a complex ever changing interaction between these two dynamics—the struggle of humans to improve their available means to transform nature to satisfy their needs, and the struggle of humans among each other for control of the fruits of economic production.

According to Marx, the unique and wondrous achievement of 19th century economic development and the flourishing of capitalism is that it makes possible

a completion of history. There is enough for all—the problem of scarce resources is essentially solved with the wealth created by the capitalist form of economic organization. The single obstacle now to social progress is the domination of society by the class of property owners that controls capitalist economic enterprise. By socializing property ownership of the economy, by eliminating private ownership, humans will create a society of freedom and equality. This is the society of Paris and Geneva combined. We can have both the freedom of Paris, wide option freedom, along with the more austere freedom of independence and autonomy championed by Rousseau. We can have a good life for all.

Marx is in the position of skeptic with respect to the questions of political legitimacy around which the writings of Locke and Rousseau are organized. Asking about conditions of political legitimacy is asking the wrong question, according to Marx. The state is inevitably the agency that secures social order in a context of class conflict, and it does so by sustaining and defending the basic requirements for the class society of the day. To carry out its task the state presents itself as doing something different from what it actually does. The social function the state presents itself as fulfilling is not the social job it actually does. The state claims a monopoly on the legitimate use of violence and coercion, but rather than inquiring about what would make this claim legitimate we ought to be thinking about what would make it possible not to have social order sustained by this sort of violence and coercion. Marx then is an anarchist of a sort. In a decent society, the society of freedom and equality that is a utopian dream throughout human history but a realistic possibility beginning with the rise of capitalism, social order and social cooperation would be sustained by informal means and mainly by the voluntary agreeableness of people. I say Marx is an anarchist “of a sort” because he supposes that a regime of iron will be needed as a transition between capitalist class rule and the communist society he envisages as replacing it.

We need to say just a bit more about the type of freedom Marx favors and the kind of inequality he opposes.

Marx contrasts modern capitalist market society with a society of hierarchical order such as feudalism. The former establishes an enormous increase in the legal, formal freedom to live one’s life and order one’s affairs as one chooses. On a market I am free to interact with anybody on mutually agreeable terms. I am legally free to be a carpenter or stonemason or barber or teacher or merchant or banker or factory owner. No law or social convention prevents me from becoming anything I might choose by free contract with others. For Marx, the freedom of free trade is a giant step in human liberation.

For Marx, the freedom capitalism offers is also a formal rather than substantive freedom. No law or social convention or norm blocks me from going to Paris now. In this sense I am free to go to Paris. But I don’t by virtue of possessing this freedom actually have the option of going to Paris. Paris is a long way away, and I don’t have the personal power to swim the Atlantic; nor do I have the money to buy a boat or plane ticket. I don’t then (let’s say) have the substantive or real freedom to go to Paris. My real freedom is given by the

options among which I am free to choose, such that if I chose the option, there is a path I could take that would get me there. In some moods Marx sneers at the wide formal freedom that all people including ordinary working people possess as a matter of right in a capitalist market society as a kind of ideological sham because formal freedom is not equivalent to real, substantive freedom.

The good society according to Marx is a society in which social and economic arrangements provide real freedom for a commodious existence to all—wide option freedom available equally to all. This, very roughly, is communism as he envisages it. In Marx's lingo, the good society overcomes alienation (lack of freedom and the subjective lack of identification with one's own conditions of life that results) and exploitation (unfair dealing in which nonproducers come to dispose of the social surplus that others produce).

Another way to identify Marx's characteristic moral concerns is to see him as objecting to the determination of individual fate by certain kinds of bad luck imposed on people that is beyond their power to control. In Marx's model of a capitalist market, some people happen initially to control wealth, and they come to hire other people, who simply by virtue of being born propertyless have no real choice in life except to sell their labor to an employer for a bare subsistence wage. Independently of any choices I have made for which I might reasonably be held responsible—choices to be lazy or to make risky investments of the resources I possess—my life is determined to be one of working poverty. In a few texts Marx pushes the line between chosen and unchosen luck very hard. Even being born with special talents and traits that will sell for a high price on a competitive market or not is a matter of brute luck beyond my power to control. One way to think of Marx's social ideal is a society in which an individual might end up leading an unhappy or miserable life, but only by his voluntary choices, not by bad luck that entirely falls on him and that is entirely beyond his power to control.

The problematic or dark side of Marx's thought is usually conceived as utopianism. He supposes the problem of material scarcity is solved, but scarcity is always with us. Along with this excessive optimism about overcoming scarcity, Marx's critics say, goes an excessive optimism about the prospect of establishing cooperative social order purely on people's voluntary and uncoerced choices. Marx, looking ahead to utopia, tends to be indifferent to questions of better or worse in the ordinary politics of ordinary class societies. But in these nuances that Marx tends to ignore, the critics say, lie the differences between decent and indecent and just and unjust political and social order.

JOHN STUART MILL. Mill writes at roughly the same time Marx does (give or take a couple of decades), in the mid-nineteenth century. Mill I would say begins his thinking about politics and society in a very different framework of thought than Marx employs, so the lingo and the formulations tend to be very different. But I would say that in the end, normatively they are not that far apart in what they endorse and affirm. Their analyses of what modern society is like and what are the obstacles it poses to the realization of their shared values are very divergent.

Mill writes in the tradition of Benthamite utilitarianism. Jeremy Bentham in the late 18th century had proclaimed that the maximization of human happiness should be the standard for judging all human arrangements—legal, economic, and personal. Happiness according to Bentham is pleasure and the absence of pain.

Mill remains loyal to the Benthamite utilitarian formulas but invests them with new content. He agrees that morality requires that happiness (of humans and other sentient creatures) be maximized, and he agrees that happiness consists in pleasure and the absence of pain. But he has a fancy idea of pleasure. Mill thinks that there are better and worse quality pleasures, and happiness consists in pleasure of higher quality. What makes a pleasure intrinsically better or worse, lower or higher quality, is informed preference—what would be preferred by competent judges with full information and full relevant experience.

Mill thinks that competent judges would especially favor the pleasures of individuality—choosing one's own good in one's own way and selecting a plan of life that gives wide scope to the development and exercise of one's mental talents. So to have a good prospect of leading a good life that leads to personal happiness one needs wide individual liberty and a social culture that promotes diversity and experiments in living. So for Mill, liberty and liberal culture and politics are derivative but crucial values—they must be secured to create the form of society in which happiness (fancy pleasure experience) is maximized in the long run. Mill argues for a strict regime of liberty in accordance with his liberty principle on utilitarian grounds in *On Liberty*, and on the same grounds for equality between men and women in *The Subjection of Women*, and for a regulated market economy in many writings, and for a qualified democratic political order in *Considerations on Representative Government*.

The problematic or dark side of Mill, for most of his critics, is whether his liberalism is truly compatible with the utilitarianism that is supposed to be the background ultimate standard of assessment. Mill derives individual freedom and individual rights from utilitarian premises, but some worry about whether the derivation is successful. Moreover, they wonder if the strength of our conviction in favor of Lockean style liberal individual rights really depends on the speculation as to whether or not enforcing these rights leads to maximal happiness in the long run as Mill confidently supposes.

For example, consider Mill's attitude to representative government, democracy. He is ambivalent.

On the one side, he sees participation in democratic politics as character building. So even if democracy were to issue worse legislation than aristocracy would produce, democracy might still produce better results overall, once one factors in the activist-self-help spirit and public-spiritedness that democracy is thought to foster, compared to the passivity and unconcern for the public good that aristocracy is thought to foster. The same argument would apply if one were comparing a democratic political system and communist party elite rule.

Mill also favors democracy on the ground that it tends to produce laws and public policies better attuned to justice (that is, to what maximizes aggregate human happiness in the long run). Under nondemocratic forms of government, the interests of those denied representation tend to be ignored or suppressed.

On the other side, Mill worries that democracy empowers the numerical majority, and the numerical majority is not renowned for intelligence and virtue. Also, the majority will tend to have little property, and hence to be tempted to favor laws that expropriate private property, which would be to everyone's long run disadvantage.

In *Considerations on Representative Government* Mill tries to balance these concerns. In the end he favors democracy qualified and hedged. Some of his qualifications and hedges are controversial, such as his advocacy of plural votes (extra votes for the more qualified citizens) rather than one person one vote. Mill's discussion presses the question on us, should we be committed to a democratic equality more robust than Mill favors. If so, what sort of commitment to democracy makes sense, and on what grounds?