

ests, and theirs only (regardless of whether it is reason or emotion that so motivates them). But if this is what Hobbes intends, it can be seen that from a psychological standpoint Hobbes is incorrect. People may desire to contribute to the happiness of others as well as to their own. Do we not often sacrifice our interests for the interests of our families, wives, husbands, children, country? This can be put by saying that some of our desires are "altruistic" rather than "selfish." We sometimes desire to contribute to the well-being of others, and if so, it is false that all desires are egoistic. What makes Hobbes's psychological account of human nature attractive is his vacillation between these two different accounts of motivation; but if we accept the former, egoism does not follow from it; and if we accept the latter, egoism is clearly false. Suppose, however, that we did accept the latter, i.e., the position that all people are motivated by egoistic desires (i.e., desires that work only for their own advantage), would it follow then that only the creation of an absolute authority would make for peaceful living in a society? The answer here again seems to be no.

**Human interests are diversified and they change from time to time.** A ruler who is given absolute power will generally not reflect this change in people's interests but will impose his/her own standards upon them. What seems required for satisfactory living in society is not that there should be *no* conflict at all within the society, but only that the amount of conflict should not be such as to make certain other goals impossible of achievement. The Hobbesian view would rule out all conflict, but it would also prevent the

realization of many fundamental desires. A sovereign power that does not have absolute authority may yet have enough authority to eliminate most conflicts and still allow for the satisfaction of a wide range of interests. For this reason, it does not seem requisite—as Hobbes's account suggests—that absolute authority is necessary in order to achieve a good society. We may thus reject the philosophical part of the theory as well as the psychological part.

**Hobbes's political philosophy is essentially an expression of defeatism: it is a "peace at any price" philosophy.** On this ground alone, it would be unacceptable to people of a less submissive temper. Compare, for example, the ringing words of Patrick Henry, "Give me liberty or give me death!" or those of Thomas Jefferson, "The tree of liberty must be refreshed from time to time with the blood of patriots and tyrants!" **Hobbes, in attempting to avoid the evil effects of internecine conflict, was willing to submit to the evils of tyranny and to surrender liberty in return for security.** For him, these were the only choices that a citizen faced. But as Locke was to show, these were not the only alternatives; it was possible to have both law and order and the absence of tyranny.

### The political philosophy of John Locke

It is accurate to say that John Locke was the theoretical architect of democracy as it exists in the Western world today. His ideas, as expressed in his famous *Second Treatise on Civil Government*, were influ-

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essential in forming the political philosophy of the founders of the American and French republics. A careful study of the Declaration of Independence and the American Constitution reveals both documents to be replete with phrases such as "All men are created equal," "Life, liberty, and the pursuit of happiness," "We hold these truths to be self-evident," and so forth, which are culled almost literally from the *Second Treatise*. In using the word "men" in what follows, we shall follow the usage of Locke and the constitutional forefathers, who were thinking mainly of the male sex. In contemporary political thought, these views are usually taken as applying to men and women equally.

Like Hobbes, Locke lived in a period of great social unrest. Involved in intrigue against the king, he was forced to flee England twice during his life, once in 1675 and again in 1679. But unlike Hobbes, he did not allow such events to sour his outlook on human nature. Both in this respect and in his theory as to the proper function of government, he is **diametrically opposed to Hobbes**. Let us examine this theory in some detail.

Like Hobbes in the *Leviathan*, Locke begins the *Second Treatise* with what seems to be a historical account of the origin of government, using, like Hobbes, the notion of a social contract. The account begins with an important distinction that was undoubtedly directed at Hobbes: the distinction between life in a "state of nature" and life in a "state of war." In the state of nature, men live on the whole peaceably. They own private property, such as land, and also have private possessions, such as cattle and sheep. Men by

nature are not wholly selfish: they sometimes work for the good of others and they cooperate with each other; but sometimes, on the other hand, they do act egoistically. What property they own they may dispose of without asking the permission of anyone. The only law that governs them is what Locke calls "the law of nature." This is the provision that "**no one ought to harm another in his life, health, liberty, or possessions.**" Now although life in the state of nature is as a rule peaceful, men occasionally may transgress the law of nature; they may attempt to kill someone or to steal his property. When this occurs, the injured party has the right to punish the transgressor. **There would be no reason for men to leave the state of nature and to form societies except that difficulties arise in applying punishment to those who transgress the law.** These difficulties are three in number: (a) Each man in the state of nature is his own judge of what is right or wrong, and this leads him to make biased judgments. One man may claim that he has been injured; another may deny it. Who is to decide the merits of the dispute? (b) Even where it is plain that someone has violated the law, we may not have adequate force to punish him. (c) Moreover, the degree of punishment will vary for the same crime. A man who steals a loaf of bread may be hanged by one group of individuals; but another man may merely be fined. In order to overcome these impairments in the state of nature, men require (i) a judiciary that will administer the law impartially, (ii) an executive who can enforce the law when it is broken, and (iii) a legislature that can lay down consistent and uniform laws. **Society originates**

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in the attempt to develop such institutions for the purpose of remedying the defects of life without organized society. Men create a society by a voluntary agreement among themselves to erect these institutions.

Now all this, Locke argues, is entirely different from a state of war. The state of war is like the Hobbesian "state of nature." It is characterized by one person or a group of people seeking absolute domination over others. In such a case, there is want of a "common judge," and there consequently exists a struggle for survival. Men will assault and maim each other, and life hangs by a thread. But it is an error to confuse this picture with that of life in the state of nature. This, according to Locke, was Hobbes's fundamental mistake. The state of nature (and for that matter even civil society) may become a state of war under certain conditions; but it is a fallacy to *identify* them. The conditions are that someone or some group will attempt to gain control of an *absolute sort* over others. When this happens, such a person creates a state of war between himself and those whom he attempts to dominate. **Opposition to him is not only justified but even required;** for if men were to submit to him, they would in effect be giving up the advantages of social life for the difficulties that they previously encountered in the state of nature. On this ground alone, monarchy may be rejected, Locke argues, since the monarch by seeking absolute domination over the citizenry has established a state of war with them.

The above account when expanded can be seen to contain most of the important elements of democratic theory as we now

know it. To begin with, it stresses that **law, not force, is the basis of government.** A government without law will be tyrannical. This is characteristic of monarchy. A king can issue a decree stating that so and so is under arrest. There may have been no previous regulation to cover the alleged crime; the person may not have known that he was doing something that would evoke the wrath of the monarch. Yet the ruler can fabricate at will regulations for the purpose of imprisoning someone whom he does not like. **Such a government operates by caprice, and the society that it controls will be correspondingly unstable.** In a properly conducted government (such as a democracy), such a state of affairs will be ruled out. **Democracy is government by laws that are arrived at after long deliberation by properly chosen representatives of the people, and that are promulgated so that all men may become acquainted with them.** All of this is sharply at variance with government by decree.

Secondly, according to Locke, there are **certain areas of human conduct that are immune from governmental interference.** Locke calls these "rights." This doctrine is the direct ancestor of the famous **Bill of Rights in the American Constitution.** The Bill of Rights maintains that the government is powerless to abridge certain types of conduct of the citizenry, such as the freedom to speak, to worship as one pleases, and so forth. The main right that Locke emphasizes, however, is the right to own private property. According to him, no government can justly take away a person's private property. This is because private property is, to a great extent, the fruit of a person's own labor. In a signifi-

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cant sense, part of the person is invested in his property (in fact, Locke often uses the word "property" to refer to a man's life and liberty as well as to his possessions), and to take it from him is tantamount to an assault upon his physical person. Hobbes and Rousseau both strongly disagreed with this doctrine. They held that **property is a creation of society**. Before society exists, to quote Hobbes, there is "no thine or mine." A man owns what he can hold by force; he has no *right* to anything. This view, as we have seen, is strongly rejected by Locke. His outlook has had profound influence not only upon the creation of such a document as the Bill of Rights but also in the creation of the democratic belief "that all men are created equal by nature." **Locke argues that all men are equal in the sense that they have rights that are anterior to those given them by society, and since they are not given to them by society, they cannot be taken away by society either.** In our time, this doctrine has been interpreted as the view that each man, regardless of his station in life, is to be accorded **equal treatment before the law—"due process"** is an application of it.

But the most important democratic element in Locke's theory is his attitude toward government. Society is created in order to eliminate the defects of the state of nature. When men leave the state of nature in order to enter society, they thereby give up the power of punishment to an executive whom they appoint. But the crucial fact that Locke emphasizes here is that the executive is *appointed* by the people and therefore is *responsible to them*. As he says, "The whole purpose of government is to make laws for the regulation

and preservation of property, and for the defense of the community against external aggression, all this only for the **public good.**" Locke's theory is that the government is, so to speak, a glorified secretary. We entrust it with powers to do those things that we find it inconvenient or impossible to do ourselves, just as we appoint a secretary to handle our affairs if we are busy. But if the secretary violates our trust (if he embezzles money, say), we can fire him; and if the government violates our trust by attempting to usurp our rightful authority, we can dismiss it. **Ultimately, the source of authority lies with the people who appoint the government. It is merely a means for carrying out their will.** Locke's way of putting the point is to say that the relationship between the people and their government is a fiduciary relationship—the people entrust the government with certain powers. But these are never entirely relinquished; they are merely delegated.

In order to safeguard the people against the concentration of power, **Locke envisaged a government divided into three branches, each of which would function as a check upon the other.** Locke called these divisions the "executive," "legislative," and "federative" branches of government. The executive and legislative branches would have had much the same function as they do in the United States government, but the duties of the federative branch consisted in carrying on negotiations with foreign powers.

Locke greatly feared the possible concentration of authority in the executive. Consequently, his theory sharply restricts its powers. To begin with, **the legislature is to be the supreme authority in the ideal**

**commonwealth.** It, and only it, has the power to make laws; the executive merely has the function of enforcing them. It cannot punish anyone unless this person has violated an explicitly promulgated law, and even this punishment is to be reviewed by an impartial judiciary. Further, the executive's right to obedience stems only from the fact that it is the person or body vested with the power of the law. It has no authority of its own and cannot claim obedience except when it is enforcing the law of the society. In this respect, Locke's system resembles British parliamentary government. The executive may be removed immediately from office if the legislature, or the people, feel that he has violated the limits of the power given him.

At the same time, in order to carry out the duties of the office, the executive is to be given certain powers. For one thing, he can dismiss the legislature and also convoke it. In order to avoid the possibility that he will refuse to call it up, there is a limit upon the length of adjournment; he must call it within those limits or be dismissed. **If the executive refuses, the people have the right to use force against him.** It is not necessary to have the legislature always in session, since it is not necessary to make laws continuously; but the executive must always remain at his post, since it is always necessary to enforce the law. During those times when the legislature is not in session, should a national emergency arise, the executive is given the power to deal with it. **This is the famous doctrine of "prerogative."** Prerogative is defined by Locke as "the power to act, according to the discretion of the executive, for the public good without the prescription of the law, and sometimes

even against it." Locke admitted that the use of executive prerogative could be dangerous; but he felt in view of the other safeguards his theory provided, any serious violation could be countered by the other branches of government, and by the people.

### Criticism of Locke

In the *Second Treatise*, Locke tried to show that men can live amicably together without submitting to a ruler having absolute authority. This state of affairs can be attained through government by laws. Laws arrived at openly, and widely promulgated, make for a stable society; yet they are not absolute. If these laws eventually prove to be inadequate, they can be changed. Hobbes, on the other hand, assumed that the only alternatives were anarchy or despotism; either men faced a war of each against all, or they gave up their rights to an absolute monarch. But it was Locke's genius to see that the Hobbesian theory failed in an essential respect: by giving up their rights to an absolute sovereign, men were no more secure than they had been in the state of nature; for now they were subject to the whims and caprices of the monarch. Once again, they lived precariously—but this time the danger came not from their fellow men but from their ruler. Instead of exchanging, as Hobbes thought, anarchy for stability, they merely traded one form of chaos for another.

In perceiving that stability and self-government were not incompatible, Locke became the source of inspiration for democratic societies that have existed successfully now for more than two cen-

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juries. His arguments in one form or another have frequently been repeated in the struggle for self-government. Abraham Lincoln, for example, opposed those who wished to keep the suffrage as small as possible, with words that are almost a paraphrase of the *Second Treatise*:

A majority held in restraint by constitutional checks and limitations, and always changing easily with deliberate changes of popular opinions and sentiments, is the only true sovereign of a free people. Whoever rejects it does, of necessity, fly to anarchy or despotism. Unanimity is impossible; the rule of a minority, as a permanent arrangement, is wholly inadmissible; so that, rejecting the majority principle, anarchy or despotism in some form is all that is left.

Locke's reasons for rejecting the Hobbesian doctrine depend in part upon his theory of human nature, but they also depend in part upon the construction of an entirely new theory about political relations among people, involving such notions as "rights," "the law," "the proper end of government," and so forth. In rejecting the Hobbesian account that men always act egoistically, Locke was doubtless correct. But leaving aside this psychological question, which we have already discussed, what can be said for and against the political theory of Locke?

Two main criticisms have been directed against it: one against the doctrine of "rights," and the other against the notion of majority rule. Both of these doctrines, it is held, suffer from difficulties. Let us consider the question of rights first.

The main objection to Locke's doctrine of rights is that it is based on the idea of "natural rights," i.e., rights that men enjoyed in the state of nature before the

emergence of organized society. The objection is that such a claim is incomprehensible, since it is difficult to know how rights could exist before there existed a government and a system of laws to grant them and to uphold them. Examination of the term shows that it does not have this kind of *descriptive* meaning; it makes a *prescriptive* claim that men *ought* to have these rights. This must cast some doubt on the validity of Locke's argument, which seems to be based on a belief that in a state of nature men do have these rights in some literal, descriptive sense.

Even if we agree with Locke's claim and accept that these are rights that men ought to have, there are still difficulties to be overcome. For example, the rights we feel men ought to have may be incompatible with the notion of "the public good." Locke held that the purpose of government is to preserve certain rights and at the same time work for the public good. But there may be cases where we cannot do both if we are the government. Consider the famous case of a man who shouts "Fire!" in a crowded theater, knowing that there is no fire. People may be stampeded in an effort to get out of the theater; some will be injured and others may be killed. If we accept the doctrine that a man has the "right" to free speech, we cannot penalize him for speaking freely. But the exercise of free speech is obviously in this case incompatible with the public good. Such a man is a menace to the general public, and in punishing him for his action, we do so on the ground that he has acted against the good of all. But it is clear that by so doing, we abandon the view that he has the absolute right to free speech.

Democratic philosophers who have puzzled about this question have, on the whole, been willing to abandon the doctrine of rights in such cases. They have agreed that men cannot have *absolute* freedom against the state; but, they argue, from this it does not follow that the state has absolute authority over men. A more moderate interpretation of "rights" is demanded. **Rights, in this view, are those areas that can be infringed only with majority consent—when the public welfare is genuinely at stake.** Otherwise, men may remain free to speak. This more moderate doctrine qualifies Locke's views of rights but still does not condone tyranny. **It holds that what is a right is a matter of degree.** Certain areas of human behavior can be interfered with only in times of great crisis; otherwise, they must be left untouched. This still allows men very considerable freedom within society, even if it does not allow them *absolute* freedom. In any case, freedom can never be absolute. Complete absence of control is not freedom but license. The notion of freedom is perfectly compatible with the existence of restrictions on our behavior. The real problem is what kind of restriction can be justified.

The second main criticism that has been directed against Locke's political theory concerns the notion of majority rule. In raising the question "Who should rule?," **Locke, unlike Plato and Hobbes, was on the side of the people as opposed to the few.** On the whole, this doctrine has had salubrious effects. The few traditionally have been the wealthy and the privileged, and in ruling they have worked for their own interests, or for the interests of a special class, against the interests of the

majority. **But what Locke never realized is that the majority itself can become a tyranny; it can prove to be a despotism as fierce as any monarch in submerging the minority.** Democratic government is not merely government by majority rule, it is also government in which *minority* rights must be equally protected. Unless this latter provision is stressed, rule by the majority becomes despotic, and democratic government turns into government that in practice is indistinguishable from an oligarchy. Locke emphasized majority rule as one of the basic tenets of democracy; and in so doing, he was right. But at the same time, **no government can be a democracy without allowing for the protection of minorities, and it was Locke's great critic, John Stuart Mill, who completed democratic theory by emphasizing the latter facet.** We turn now to a discussion of Mill.

### The political philosophy of John Stuart Mill

Every student of history has been struck, at one time or another, by the paucity of civilizations that have granted political liberty to their citizens. Freedom has indeed been a precious thing. It existed only feebly in the ancient world, not at all during the Middle Ages, and even today the societies that grant it are in the minority. Most attacks upon freedom traditionally have come from the "right," from societies that have been dominated by tyrants or by small groups of people. Liberty has also been threatened from the "left," from so-called "Communist" societies. These threats, although menacing, are obvious.

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