

Modern Political Thought

A reader

EDITED BY JOHN GINGELL, ADRIAN LITTLE AND CHRISTOPHER WINCH



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MACHIAVELLI; MILTON AND THE LEVEL
HOBBS; HUME; MONTESQUIEU
MADISON AND HAMILTON; BURKE; PAIN
WOLLSTONCRAFT; BENTHAM; MILL; M

Modern Political Thought

Modern Political Thought: A reader is an excellent introduction to the key works of the major political thinkers from Machiavelli to Marx. It draws together the most important parts of seminal works of political thought such as Hobbes's *Leviathan*, Locke's *Treatises*, Rousseau's *The Social Contract*, and Mill's *On Liberty*.

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- substantial extracts of seminal texts from Machiavelli's *The Prince* to Marx's *Capital*;
- accessible introductions to each thinker, explaining their lives and works, and placing them in the historical context in which they worked and wrote;
- insights into the relationship between the different works of each thinker.

Political thinkers included in this book:

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John Gingell is Senior Lecturer in Philosophy at University College Northampton. **Adrian Little** is Lecturer in Politics at Goldsmiths College, University of London. **Christopher Winch** is Professor of Philosophy of Education at University College Northampton.

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The Editors

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Preface and acknowledgements

This book is designed to introduce students of Politics to some of the work of seminal figures in the Western political tradition from 1500 to 1900. Such students, we believe, must benefit both from the scope of the extracts chosen and from the fact that the ideas covered are presented in substantial passages in the author's own words. We hope that the book will provide a framework for Politics courses which deal with this period or for anyone who wishes to begin to understand the political ideas of the times. However, although we think there is a need for such a book, we do not think that this book – or any other book of this type – is able to do certain things.

Firstly, we do not think that these extracts are a substitute for students coming to grips, at least some of the time, with complete texts. The extracts have been chosen to give the flavour and some of the ideas of these texts, but they are an introduction; they are not, and cannot be, a replacement for the study of texts in their entirety. So, for instance, we would expect students writing an essay on, say, Locke or Mill to have read, at least, the whole of the *Second Treatise* and *On Liberty*. But we would think it naively optimistic to expect any student, however conscientious or talented, to read the whole of the works of all of these authors in any course dealing with the advance of political ideas. Perhaps in earlier and easier times and in different teaching contexts, e.g. the Oxbridge tutorial system, tutors may have expressed the wish that students read the whole of *Leviathan* or *The Social Contract* for a particular tutorial, but, even then, such wishes were often pious hopes rather than serious expectation. Of course, any serious student of Politics should at some time acquire knowledge in depth concerning the major texts in the field. And this introduction to such texts is, at least in major part, a warrant of our belief that these texts are of continuing relevance and interest. These writers are the architects of the contemporary political world, and as such they deserve the sustained attention of those who would understand that world. However, to say this, is very different from asserting that this kind of attention can be crammed into, say, a twenty-week course.

Secondly, although we have produced introductions to the particular writers we deal with, neither these, nor the extracts themselves, are designed as a substitute for teaching. The material in this book is designed to complement courses in Politics,

not to replace them. So, for instance, we do not and would not suggest that, given the present book, academics can retire to their studies to do research whilst postgraduate teaching assistants lead undergraduates through the texts. We have selected texts that seem to us interesting and important; we have sometimes followed the obvious indicators in our selection, and sometimes ignored them, but throughout the selection process we have been constantly aware that we are leaving aside more of the interesting and important than we are including. Sometimes this process has forced us to jettison the work of figures we think unjustly neglected (for instance, Friedrich List's criticisms of Adam Smith), sometimes to make what, in the end, seem arbitrary choices between texts, and sometimes we have had to prune our extracts harder than we would have wished to in a perfect world (so, for instance, questions of length dictated that we get rid of most footnotes). All of these things can be remedied in a properly taught course – they cannot even be addressed if the text is thought to supplant the teacher.

This book grew out of a third-year Politics course which we taught at University College, Northampton. We wish to express our thanks to the students on that course who made the teaching such an interesting and enjoyable experience. But it also grew from our conviction that the figures we deal with were great thinkers, and that their contributions to political thought remain both profound and stimulating. Many of the writers we cover were practical politicians as well as theorists; thus giving the lie to those who would espouse the theory–practice gap. Certainly, much of the work has implications for our own political practices. If this book convinces its readers that such convictions are well-founded then it will have succeeded in its primary aim.

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Note

For the sake of consistency, all references in the extracts have been collected as endnotes after the relevant text.

1 Niccolò Machiavelli (1469–1527)

Machiavelli has acquired a reputation as the original political pragmatist – a theorist who provides a substantial defence of the ends excusing the means (as long as the ends are judged to be successful). In other circles his writings became synonymous with the work of the devil (due in part to his anti-clericalism). As we shall see, this infamous perspective is somewhat overblown, but it gains currency from Machiavelli's own political experience. He was born in Florence in 1469 and was given a classical education by his father, who was a lawyer. This was to serve him well in his career as a diplomat, political officer and writer. During his youth Italy was dominated by five main powers amongst the city states (one of which was his own Florence). These were held together by the tactful diplomacy of Lorenzo de' Medici (Bull 1995: x). Having experienced the turbulent world of politics in Italy after 1494, Machiavelli entered public office in 1498 and soon became head of the second chancery of Florence, which required not only acknowledged diplomatic skills but also a mastery of the humane disciplines (Skinner 1981: 3). In the period until 1512 he was a central figure in the political life of the Florentine Republic, taking on responsibility in the fields of diplomacy and the militia, and, under the personal favour of the Head of State Piero Soderini, Machiavelli was sent on numerous missions around Europe to represent Florence in political affairs. However, on the reclamation of power by the Medici in 1512 Machiavelli fell from favour, and in 1513 he was imprisoned. It was during this period that he took to writing, and indeed he used his literary work as a means of gaining respect from the new regime. In 1527 the Republic was restored, but, despite his yearning for public office and his support for the new establishment, Machiavelli was regarded with suspicion due to his overtures to the Medici (Bull 1995: xv). He died soon afterwards, having been rejected by the new republicans.

Machiavelli's political method derived much from the political events he encountered during his career. He experienced the fluctuations of power in Florence, as it passed to and fro between the Medici and the Republic, and also the internecine struggles within Italy between city states and the major powers. As a civil representative of Florence he had first-hand exposure to the mechanisms of political power and the diplomatic processes which held the Italian city states together and ultimately fragmented them. Indeed this was a most turbulent period

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in which to live, let alone be a major representative of one of the most powerful city-states. Europe was an area of major conflict with 'a hapless Italy serving as a battleground for the European nation-states' (Anglo 1995: 73). It should be no surprise, then, that Machiavelli's thought is somewhat enterprising in interpreting methods of manipulating the political machinery and in understanding the machinations of power.

The regime that Machiavelli was born into was relatively sedate, due in part to the skilful and tactful leadership of Lorenzo de' Medici in Florence, whose influence managed to hold the potentially contesting city states of Italy together. Lorenzo died in 1492, and two years later his son Piero was banished for treachery. This led to a new period of republicanism which was initially disputatious, especially under the divisive influence of the Dominican prior Girolamo Savonarola. This was a time when Machiavelli had little scope for influence, but, as a young man, he was able to master the arts that would serve him well after Savonarola's execution in 1498. During the years 1498–1512 Machiavelli became increasingly expert in military affairs as he negotiated over numerous conflicts, not least that between Florence and Pisa (Anglo 1995: 76) and enjoyed the favour of Piero Soderini. The enduring hostilities between the French and Spanish continued to have a strong influence within Italy and on Machiavelli's career, as Florence had a particularly close relationship with France. When Spanish armies overcame and humiliated the republican militia created by Machiavelli and paved the way for the return of the Medici in 1512, he soon found himself on the outside of the political machinery. For years he attempted to find himself a new position within the Medici regime, and it was during this period that Machiavelli was at his most productive in attempting to accommodate his republican ideas within a position that was supportive of the Medici regime. It was his misfortune not to survive long enough to see the developed restoration of the republic in Florence, and indeed the success of the Florentine army in repulsing the siege of 1529–30 (Bull 1995: xiv).

Machiavelli's ideas have come to be irrevocably centred upon the argument put forward in *The Prince*. Some, such as Bull (1995), suggest that this is not unfair, as it was clearly his political masterpiece. Others, such as Hale (1990), argue that the dogmatic, black-and-white arguments put forward in *The Prince* must be contextualised within the broader spectrum of his writings. To this extent it is important to note that *The Prince* (1513) was the first of his major political and historical works to be written. It was followed by the more circumspect *Discourses on Livy*, the *Art of War* and the *Florentine History*; on top of this output he also produced a range of literary material. So it is worth pursuing the question of why *The Prince* is the piece of work with which Machiavelli's thought is almost exclusively linked in the popular mind.

Part of the reason is stylistic. *The Prince* shocked many with the brutal realism of its guidance for princes on how to maintain power. Thus it is noted for 'hard and calculated advice about how a new prince should act to establish himself in a recently conquered principedom, and a good deal of the advice is about the use of violence and deceit' (McClelland 1996: 151). However McClelland rightly asks

who exactly was so horrified by this account, given that this was exactly how successful princes did maintain their positions, and that many historical precedents existed for this kind of manipulation. In the light of this, it is pertinent to note the secularism of Machiavelli's argument, which was somewhat innovative and likely to cause consternation amongst those who tied their religious and political ideas closely together. Whilst Machiavelli's ideas were not necessarily anti-Christian, the picture he painted of political necessity clearly rested on secular premises. Indeed this is the basis upon which the argument is constructed which promotes Machiavelli as the founder of modern politics. However, as McClelland argues, his main reference points were in the classics, and to present him as particularly forward-looking is somewhat erroneous (McClelland 1996: 153).

In any case, whilst *The Prince* provides a graphic and riveting insight into Machiavelli's thought, his ideas on republican government are more thoroughly expressed in his other major work of political theory, *Discourses on Livy*. Here Machiavelli puts the case for republics governed by rule of law, on the basis that, without legal constraints to promote honesty and morality, individuals resort to irrationality and selfishness. It is interesting to contrast this perspective with the bullish prognosis of *The Prince*. The latter was of course a plea for favour to Lorenzo de' Medici, as was evident from the oleaginous dedication of the book. The *Discourses* on the other hand were more measured and contain analyses of many different forms of government. Despite the apparent anomaly that Machiavelli wrote in praise of an autocratic prince in the earlier work and as a vehement republican in the *Discourses*, commentators such as Bull have argued that these two positions are not as contradictory as might seem to be the case at first. Ultimately, according to the latter, Machiavelli was 'interested in the state, rather than in the form of its government, and in the state as a self-sufficient entity in continual conflict with other states – and therefore in need of power' (Bull 1995: xviii). In this sense, it mattered little if a principedom was in place if that prince was able to represent the interests of the state and operationalise effective government. Above all, the *Discourses* interrogate early Roman history in order to identify the means through which it maintained power and to use it as an exemplar for good government for Italian city states in the sixteenth century (Skinner 1981).

Machiavelli's other major works, as their titles suggest, do not contribute further to his political philosophy as outlined in *The Prince* and *Discourses on Livy*. The *Art of War* and *Florentine History* are centred upon military tactics and the developments in the republic respectively, and the former (published during his lifetime) helped to establish Machiavelli as a respected man of letters. On top of these works he also produced literary materials, such as the play, *Mandragola*, and entered into prolonged correspondence. However, what Machiavelli truly yearned for was a return to political office, and it is indeed ironic that, when he had reconciled himself with the Medici regime, it was succeeded by the return of the republic just before his death.

One of the first things to note about the argument put forward in *The Prince* is Machiavelli's use of history and precedent to justify the development of his political

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ideas. Rather than basing his philosophy of politics on Christian principles and morality, he sought to derive a more solid foundation through the application of historical precedent. This historical outlook led him to provide a rather damning indictment of his fellow humans, whom he characterised as reckless, selfish and treacherous. From this psychological basis he argued that effective government had to rein in these tendencies, so as to provide political order within the state. Individuals had to be redeemed, and this redemption would be provided by the rule of law of the state. In this sense, then, it was wrong to mindlessly support and laud rulers if their government was ineffectual and to implore them to be compassionate and tolerant. For Machiavelli, strong, successful leadership was required in a world which showed little respect for the sympathetic approach to government:

a prince could only survive by meanness and cruelty, by inspiring fear, and by keeping his promises just so long as it was advantageous for him to do so – and no longer. This was how the rulers of the world did behave. If they did not, they would soon be destroyed.

(Anglo 1995: 82)

This perspective was based, for example, on his first-hand experience of the ruthless methods of Cesare Borgia, who attempted to create his own sphere of jurisdiction and maintain it through single-minded determination and severe, violent tactics (sometimes to those closest to him). However, Machiavelli also saw weaknesses in Borgia and recognised his ill fortune in ultimately failing to achieve his objectives (Plamenatz 1992: 50–1). From this we can glean an understanding of Machiavelli's pragmatism. Despite the dogmatic assertions that make up the perspective outlined in *The Prince*, he is arguing that princes have to repudiate grand theorising about the way of the world and get down to the actual business of governing. It was not for princes to engage in bridge-building between opposing perspectives; their role was not one of accommodation – rather they had to be decisive and forceful. They needed to exercise their strength to ensure that the people of the state stayed in line.

This challenged the dominant position held by Christian ethics in the political life he encountered (Skinner 1981: 30). It was not for Machiavelli to defend the divine right of kings, rather he suggested that the benevolence and charity supposedly encapsulated in Christian morality might undermine the ability of the prince to govern well. This is not to say that he rejected religion *per se* but he had severe misgivings about the interference of religion in political affairs. Not surprisingly, this aroused considerable controversy, and one that has dogged the debates over Machiavelli's thought ever since. In effect he was arguing 'the State needed a morality of its own, the morality of success: success in defending itself, and thus guaranteeing the safety of its people, success in conquest when this was necessary to protect its own interests' (Hale 1990: 28). It should be clear,

then, that Machiavelli's theory of morality was primarily one of adaptability and pragmatism coupled with a ruthlessness which makes his position appear somewhat amoral. It should also be apparent that the morality he attached to the operation of the state related to the *nature* of government, rather than to the actual *form* of government. Brown has noted how, in the *Discourses*, Machiavelli felt that all the requirements of good government and its associated capacities were unlikely to reside in one person, and therefore that republics were more likely to fulfil his requirements than principalities (Brown 1991: 305). *The Prince*, however, is explicitly focused on the creation of new principalities and the problem of governing them appropriately (Skinner 1981: 23). If the *nature* of government is the key to his work, then this inconsistency may not be as contrary as it might appear at first.

Machiavelli's faith in republicanism is identifiable in his notion of *virtù*, which does not directly equate with goodness but does embody the notion that individuals should act with public service and citizenship in mind. Of course, this also meant that some misdemeanours may be acceptable if these republican ideals were to be protected. So the quality of *virtù* refers to the prowess and ability to achieve political goals, which for Machiavelli involved republican objectives (Anglo 1995: 79). At the same time he believed that people were also reliant on luck (*fortuna*) in achieving their aims. Thus, he argued (in a thinly veiled reference to the return of the Medici, according to Skinner) that the establishment of principalities often relied heavily on luck. The secret for princes was to take advantage of this situation and reinforce the position that they had been fortunate enough to achieve. In short, he suggested that successful princes made their own luck through their *virtù*. One means of achieving this was to establish a sound system of laws and an effective fighting machine along the lines of a citizen militia (there is an extensive discussion of the means of raising, training and retaining militias in *The Art of War*, especially in Book I). It should be clear, then, that the argument put forward in *The Prince* is a clever blend of political strategy designed to appeal to the Medici in Florence and republican objectives associated with good citizenship and public responsibilities.

As his work preceded that of the other authors covered in this book by over a century, we cannot compare Machiavelli with any direct contemporaries in great depth, but it is clear that he did have an impact on later analysts of the nature of government, human freedom and human nature. An interesting point to take up here is the comparison between Machiavelli and Hobbes. Plamenatz explains how the views of both on human nature are sometimes wrongly conflated. For the former, individuals may behave in a selfish and brutish fashion, but this can be redeemed by the institution of good government and sound laws. For the latter, of course, the institution of government and law is about controlling these inherent but self-regarding features of humanity to allow society to function. Indeed it is useful to note that Machiavelli, despite the reputation which precedes him, probably says much less about an essential human nature than do either Hobbes or Rousseau (Plamenatz 1992: 65–6). Machiavelli is more interested in the nature of government.

The other key comparison to note is with later conservative thinkers such as Burke, who, like Machiavelli, put faith in historical precedent as a key gauge of the

desirability of social change. Indeed the charge has been laid at the door of both that they have employed somewhat selective readings of history to justify their political perspectives. However, it is the area of methods of political science which has highlighted the similarities between Machiavelli's approach and that of theorists such as Hume. The link between Machiavelli and conservatism is therefore primarily a matter of method, given the former's predilection for republicanism – which many conservatives would abhor, although some conservatives might have a modicum of empathy with the idea of the prince.

Even if Machiavelli's name is often wrongly used in contemporary discourses, it must be recognised that the derivation of the adjective 'machievellian' does have some truth attached to it. Moreover, in terms of common perceptions of politics, Machiavelli's analysis seems incredibly resonant for modern times; it is not accidental that political and governmental practices of today, such as spin-doctoring, have had the label of machievellianism attached to them. However, these practices continue to face stern criticism among those who believe in different types of politics in pursuit of objectives like the common good and purer systems of democracy. Elsewhere, those concerned with the advancement of secular morality in contemporary politics still owe much to Machiavelli's early input. But perhaps the greatest continuing relevance of Machiavelli's thought lies in the possibility of his ideas being used by a variety of people of different ideological hues. This tells us much about the uses and abuses of power which continue to characterise modern political life and installs Machiavelli as an important contributor to our understanding of contemporary politics, even if we now tend to believe that good government *should* be free from deceitfulness and violence for the sake of maintaining political power.

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EXTRACT FROM NICCOLÒ MACHIAVELLI, *THE PRINCE***VIII: Of those who by their crimes come to be Princes**

But since from privacy a man may also rise to be a Prince in one or other of two ways, neither of which can be referred wholly either to merit or to fortune, it is fit that I notice them here, though one of them may fall to be discussed more fully in treating of Republics.

The ways I speak of are, first, when the ascent to power is made by paths of wickedness and crime; and second, when a private person becomes ruler of his country by the favour of his fellow-citizens. The former method I shall make clear by two examples, one ancient, the other modern, without entering further into the merits of the matter, for these, I think, should be enough for any one who is driven to follow them.

Agathocles the Sicilian came, not merely from a private station, but from the very dregs of the people, to be King of Syracuse. Son of a potter, through all the stages of his fortune he led a foul life. His vices, however, were conjoined with so great vigour both of mind and body, that becoming a soldier, he rose through the various grades of the service to be Praetor of Syracuse. Once established in that post, he resolved to make himself Prince, and to hold by violence and without obligation to others the authority which had been spontaneously entrusted to him. Accordingly, after imparting his design to Hamilcar, who with the Carthaginian armies was at that time waging war in Sicily, he one morning assembled the people and senate of Syracuse as though to consult with them on matters of public moment, and on a preconcerted signal caused his soldiers to put to death all the senators, and the wealthiest of the commons. These being thus got rid of, he assumed and retained possession of the sovereignty without opposition on the part of the people; and although twice defeated by the Carthaginians, and afterwards besieged, he was able not only to defend his city, but leaving a part of his forces for its protection, to invade Africa with the remainder, and so in a short time to raise the siege of Syracuse, reducing the Carthaginians to the utmost extremities, and compelling them to make terms whereby they abandoned Sicily to him and confined themselves to Africa.

Whoever examines this man's actions and achievements will discover little or nothing in them which can be ascribed to Fortune, seeing, as has already been said, that it was not through the favour of any, but by the regular steps of the military service, gained at the cost of a thousand hardships and hazards, he reached the principedom which he afterwards maintained by so many daring and dangerous enterprises. Still, to slaughter fellow-citizens, to betray friends, to be devoid of honour, pity, and religion, cannot be counted as merits, for these are means which may lead to power, but which confer no glory. Wherefore, if in respect of the valour with which he encountered and extricated himself from difficulties, and the constancy of his spirit in supporting and conquering adverse fortune, there seems no reason to judge him inferior to the greatest captains that have ever lived, his unbridled cruelty and inhumanity, together with his countless crimes, forbid us to number him with

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the greatest men; but, at any rate we cannot attribute to Fortune or to merit what he accomplished without either.

In our own times, during the papacy of Alexander VI, Oliverotto of Fermo, who some years before had been left an orphan, and had been brought up by his maternal uncle Giovanni Fogliani, was sent while still a lad to serve under Paolo Vitelli, in the expectation that a thorough training under that commander might qualify him for high rank as a soldier. After the death of Paolo, he served under his brother Vitellozzo, and in a very short time, being of a quick wit, hardy and resolute, he became one of the first soldiers of his company. But thinking it beneath him to serve under others, with the countenance of the Vitelleschi and the connivance of certain citizens of Fermo who preferred the slavery to the freedom of their country, he formed the design to seize on that town.

He accordingly wrote to Giovanni Fogliani that after many years of absence from home, he desired to see him and his native city once more, and to look a little into the condition of his patrimony; and as his one endeavour had been to make himself a name, in order that his fellow-citizens might see that his time had not been mis-spent, he proposed to return honourably attended by a hundred horsemen from among his own friends and followers; and he begged Giovanni graciously to arrange for his reception by the citizens of Fermo with corresponding marks of distinction, as this would be creditable not only to himself, but also to the uncle who had brought him up.

Giovanni, accordingly, did not fail in any proper attention to his nephew, but caused him to be splendidly received by his fellow-citizens, and lodged him in his house; where Oliverotto having passed some days, and made the necessary arrangements for carrying out his wickedness, gave a formal banquet, to which he invited his uncle and all the first men of Fermo. When the repast and the other entertainments proper to such an occasion had come to an end, Oliverotto artfully turned the conversation to matters of grave interest, by speaking of the greatness of Pope Alexander and Cesare his son, and of their enterprises; and when Giovanni and the others were replying to what he said, he suddenly rose up, observing that these were matters to be discussed in a more private place, and so withdrew to another chamber; whither his uncle and all the other citizens followed him, and where they had no sooner seated themselves, than soldiers rushing out from places of concealment put Giovanni and all the rest to death.

After this butchery, Oliverotto mounted his horse, rode through the streets, and besieged the chief magistrate in the palace, so that all were constrained by fear to yield obedience and accept a government of which he made himself head. And all who from being disaffected were likely to stand in his way, he put to death, while he strengthened himself with new ordinances, civil and military, to such purpose, that for a space of a year during which he retained the Princedom, he not merely kept a firm hold of the city, but grew formidable to all his neighbours. And it would have been as impossible to unseat him as it was to unseat Agathocles, had he not let himself be overreached by Cesare Borgia on the occasion when, as has already been told, the Orsini and Vitelli were entrapped at Sinigaglia; where he too being taken, one year after the

commission of his parricidal crime, was strangled along with Vitellozzo, whom he had assumed for his master in villainy as in valour.

It may be asked how Agathocles and some like him, after numerous acts of treachery and cruelty, have been able to live long in their own country in safety, and to defend themselves from foreign enemies, without being plotted against by their fellow-citizens, whereas, many others, by reason of their cruelty, have failed to maintain their position even in peaceful times, not to speak of the perilous times of war. I believe that this results from cruelty being well or ill employed. Those cruelties we may say are well employed, if it be permitted to speak well of things evil, which are done once for all under the necessity of self-preservation, and are not afterwards persisted in, but so far as possible modified to the advantage of the governed. Ill-employed cruelties, on the other hand, are those which from small beginnings increase rather than diminish with time. They who follow the first of these methods, may, by the grace of God and man, find, as did Agathocles, that their condition is not desperate; but by no possibility can the others maintain themselves.

Hence we may learn the lesson that on seizing a state, the usurper should make haste to inflict what injuries he must, at a stroke, that he may not have to renew them daily, but be enabled by their discontinuance to reassure men's minds, and afterwards win them over by benefits. Whosoever, either through timidity or from following bad counsels, adopts a contrary course, must keep the sword always drawn, and can put no trust in his subjects, who suffering from continued and constantly renewed severities, will never yield him their confidence. Injuries, therefore, should be inflicted all at once, that their ill savour being less lasting may the less offend; whereas, benefits should be conferred little by little, that so they may be more fully relished.

But, before all things, a Prince should so live with his subjects that no vicissitude of good or evil fortune shall oblige him to alter his behaviour; because, if a need to change comes through adversity, it is then too late to resort to severity; while any leniency you may use will be thrown away, for it will be seen to be compulsory and gain you no thanks.

IX: Of the civil Princedom

I come now to the second case, namely, of the leading citizen who, not by crimes or violence, but by the favour of his fellow-citizens, is made Prince of his country. This may be called a Civil Princedom, and its attainment depends not wholly on merit, nor wholly on good fortune, but rather on what may be termed a *fortunate astuteness*. I say then that the road to this Princedom lies either through the favour of the people or of the nobles. For in every city are to be found these two opposed humours having their origin in this, that the people desire not to be domineered over or oppressed by the nobles, while the nobles desire to oppress and domineer over the people. And from these two contrary appetites there arises in cities one of three results, a Princedom, or Liberty, or Licence. A Princedom is created either by the people or by the nobles, according as one or other of these factions has occasion for it. For when the nobles perceive that they cannot withstand the people, they set to work to magnify the

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reputation of one of their number, and make him their Prince, to the end that under his shadow they may be enabled to indulge their desires. The people, on the other hand, when they see that they cannot make head against the nobles, invest a single citizen with all their influence and make him Prince, that they may have the shelter of his authority.

He who is made Prince by the favour of the nobles, has greater difficulty to maintain himself than he who comes to the Princedom by aid of the people, since he finds many about him who think themselves as good as he, and whom, on that account, he cannot guide or govern as he would. But he who reaches the Princedom by the popular support, finds himself alone, with none, or but a very few about him who are not ready to obey. Moreover, the demands of the nobles cannot be satisfied with credit to the Prince, nor without injury to others, while those of the people well may, the aim of the people being more honourable than that of the nobles, the latter seeking to oppress, the former not to be oppressed. Add to this, that a Prince can never secure himself against a disaffected people, their number being too great, while he may against a disaffected nobility, since their number is small. The worst that a Prince need fear from a disaffected people is that they may desert him, whereas when the nobles are his enemies he has to fear not only that they may desert him, but also that they may turn against him; because, as they have greater craft and foresight, they always choose their time to suit their safety, and seek favour with the side they think will win. Again, a Prince must always live with the same people, but need not always live with the same nobles, being able to make and unmake these from day to day, and give and take away their authority at his pleasure.

But to make this part of the matter clearer, I say that as regards the nobles there is this first distinction to be made. They either so govern their conduct as to bind themselves wholly to your fortunes, or they do not. Those who so bind themselves, and who are not grasping, should be loved and honoured. As to those who do not so bind themselves, there is this further distinction. For the most part they are held back by pusillanimity and a natural defect of courage, in which case you should make use of them, and of those among them more especially who are prudent, for they will do you honour in prosperity, and in adversity give you no cause for fear. But where they abstain from attaching themselves to you of set purpose and for ambitious ends, it is a sign that they are thinking more of themselves than of you, and against such men a Prince should be on his guard, and treat them as though they were declared enemies, for in his adversity they will always help to ruin him.

He who becomes a Prince through the favour of the people should always keep on good terms with them; which it is easy for him to do, since all they ask is not to be oppressed. But he who against the will of the people is made a Prince by the favour of the nobles, must, above all things, seek to conciliate the people, which he readily may by taking them under his protection. For since men who are well treated by one whom they expected to treat them ill, feel the more beholden to their benefactor, the people will at once become better disposed to such a Prince when he protects them, than if he owed his Princedom to them.

There are many ways in which a Prince may gain the good-will of the people, but, because these vary with circumstances, no certain rule can be laid down respecting them, and I shall, therefore, say no more about them. But this is the sum of the matter, that it is essential for a Prince to be on a friendly footing with his people, since, otherwise, he will have no resource in adversity. Nabis, Prince of Sparta, was attacked by the whole hosts of Greece and by a Roman army flushed with victory, and defended his country and crown against them; and when danger approached, there were but few of his subjects against whom he needed to guard himself, whereas had the people been hostile, this would not have been enough.

And what I affirm let no one controvert by citing the old saw that '*he who builds on the people builds on the mire*', for that may be true of a private citizen who presumes on his favour with the people, and counts on being rescued by them when overpowered by his enemies or by the magistrates. In such cases a man may often find himself deceived, as happened to the Gracchi in Rome, and in Florence to Messer Giorgio Scali. But when he who builds on the people is a Prince capable of command, of a spirit not to be cast down by ill-fortune, who, while he animates the whole community by his courage and bearing, neglects no prudent precaution, he will not find himself betrayed by the people, but will be seen to have laid his foundations well.

The most critical juncture for Princedoms of this kind, is at the moment when they are about to pass from the popular to the absolute form of government: and as these Princes exercise their authority either directly or through the agency of the magistrates, in the latter case their position is weaker and more hazardous, since they are wholly in the power of those citizens to whom the magistracies are entrusted, who can, and especially in difficult times, with the greatest ease deprive them of their authority, either by opposing, or by not obeying them. And in times of peril it is too late for a Prince to assume to himself an absolute authority, for the citizens and subjects who are accustomed to take their orders from the magistrates, will not when dangers threaten take them from the Prince, so that at such seasons there will always be very few in whom we can trust. Such Princes, therefore, must not build on what they see in tranquil times when the citizens feel the need of the State. For then every one is ready to run, to promise, and, danger of death being remote, even to die for the State. But in troubled times, when the State has need of its citizens, few of them are to be found. And the risk of the experiment is the greater in that it can only be made once. Wherefore, a wise Prince should devise means whereby his subjects may at all times, whether favourable or adverse, feel the need of the State and of him, and then they will always be faithful to him.

[...]

XIV: Of the duty of a Prince in respect of military affairs

A Prince, therefore, should have no care or thought but for war, and for the regulations and training it requires, and should apply himself exclusively to this as his peculiar province; for war is the sole art looked for in one who rules, and is of such efficacy that it not merely maintains those who are born Princes, but often enables men to rise to that eminence from a private station; while, on the other hand, we often see that when Princes devote themselves rather to pleasure than to arms, they lose their dominions. And as neglect of this art is the prime cause of such calamities, so to be a proficient in it is the surest way to acquire power. Francesco Sforza, from his renown in arms, rose from privacy to be Duke of Milan, while his descendants, seeking to avoid the hardships and fatigues of military life, from being Princes fell back into privacy. For among other causes of misfortune which your not being armed brings upon you, it makes you despised, and this is one of those reproaches against which, as shall presently be explained, a Prince ought most carefully to guard.

Between an armed and an unarmed man no proportion holds, and it is contrary to reason to expect that the armed man should voluntarily submit to him who is unarmed, or that the unarmed man should stand secure among armed retainers. For with contempt on one side, and distrust on the other, it is impossible that men should work well together. Wherefore, as has already been said, a Prince who is ignorant of military affairs, besides other disadvantages, can neither be respected by his soldiers, nor can he trust them. A Prince, therefore, ought never to allow his attention to be diverted from warlike pursuits, and should occupy himself with them even more in peace than in war. This he can do in two ways, by practice or by study.

As to the practice, he ought, besides keeping his soldiers well trained and disciplined, to be constantly engaged in the chase, that he may inure his body to hardships and fatigue, and gain at the same time a knowledge of places, by observing how the mountains slope, the valleys open, and the plains spread; acquainting himself with the characters of rivers and marshes, and giving the greatest attention to this subject. Such knowledge is useful to him in two ways; for first, he learns thereby to know his own country, and to understand better how it may be defended; and next, from his familiar acquaintance with its localities, he readily comprehends the character of other districts when obliged to observe them for the first time. For the hills, valleys, plains, rivers, and marshes of Tuscany, for example, have a certain resemblance to those elsewhere; so that from a knowledge of the natural features of that province, similar knowledge in respect of other provinces may readily be gained. The Prince who is wanting in this kind of knowledge, is wanting in the first qualification of a good captain, for by it he is taught how to surprise an enemy, how to choose an encampment, how to lead his army on a march, how to array it for battle, and how to post it to the best advantage for a siege.

Among the commendations which Philopoemon, Prince of the Achaians, has received from historians is this – that in times of peace he was always thinking of warfare, so that

when walking in the country with his friends he would often stop and talk with them on the subject [...] ‘If the enemy,’ he would say, ‘were posted on that hill, and we found ourselves here with our army, which of us would have the better position? How could we most safely and in the best order advance to meet them? If we had to retreat, what direction should we take? If they retired, how should we pursue?’ In this way he put to his friends, as he went along, all the contingencies that can befall an army. He listened to their opinions, stated his own, and supported them with reasons; and from his being constantly occupied with such meditations, it resulted, that when in actual command no complication could ever present itself with which he was not prepared to deal.

As to the mental training of which we have spoken, a Prince should read histories, and in these should note the actions of great men, observe how they conducted themselves in their wars, and examine the causes of their victories and defeats, so as to avoid the latter and imitate them in the former. And above all, he should, as many great men of past ages have done, assume for his models those persons who before his time have been renowned and celebrated, whose deeds and achievements he should constantly keep in mind, as it is related that Alexander the Great sought to resemble Achilles, Caesar Alexander, and Scipio Cyrus. And any one who reads the life of this last-named hero, written by Xenophon, recognizes afterwards in the life of Scipio, how much this imitation was the source of his glory, and how nearly in his chastity, affability, kindliness, and generosity, he conformed to the character of Cyrus as Xenophon describes it.

A wise Prince, therefore, should pursue such methods as these, never resting idle in times of peace, but strenuously seeking to turn them to account, so that he may derive strength from them in the hour of danger, and find himself ready should Fortune turn against him, to resist her blows.

XV: Of the qualities in respect of which men, and most of all Princes, are praised or blamed

It now remains for us to consider what ought to be the conduct and bearing of a Prince in relation to his subjects and friends. And since I know that many have written on this subject, I fear it may be thought presumptuous in me to write of it also; the more so, because in my treatment of it I depart from the views that others have taken.

But since it is my object to write what shall be useful to whosoever understands it, it seems to me better to follow the real truth of things than an imaginary view of them. For many Republics and Princedoms have been imagined that were never seen or known to exist in reality. And the manner in which we live, and that in which we ought to live, are things so wide asunder, that he who quits the one to betake himself to the other is more likely to destroy than to save himself; since any one who would act up to a perfect standard of goodness in everything, must be ruined among so many who are not good. It is essential,

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therefore, for a Prince who desires to maintain his position, to have learned how to be other than good, and to use or not to use his goodness as necessity requires.

Laying aside, therefore, all fanciful notions concerning a Prince, and considering those only that are true. I say that all men when they are spoken of, and Princes more than others from their being set so high, are characterized by some one of those qualities which attach either praise or blame. Thus one is accounted liberal, another miserly (which word I use, rather than *avaricious*, to denote the man who is too sparing of what is his own, *avarice* being the disposition to take wrongfully what is another's); one is generous, another greedy; one cruel, another tender-hearted; one is faithless, another true to his word; one effeminate and cowardly, another high-spirited and courageous; one is courteous, another haughty; one impure, another chaste; one simple, another crafty; one firm, another facile; one grave another frivolous; one devout, another unbelieving; and the like. Every one, I know, will admit that it would be most laudable for a Prince to be endowed with all of the above qualities that are reckoned good; but since it is impossible for him to possess or constantly practice them all, the conditions of human nature not allowing it, he must be discreet enough to know how to avoid the infamy of those vices that would deprive him of his government, and, if possible, be on his guard also against those which might not deprive him of it; though if he cannot wholly restrain himself, he may with less scruple indulge in the latter. He need never hesitate, however, to incur the reproach of those vices without which his authority can hardly be preserved; for if he well consider the whole matter, he will find that there may be a line of conduct having the appearance of virtue, to follow which would be his ruin, and that there may be another course having the appearance of vice, by following which his safety and well-being are secured.

XVI: Of liberality and miserliness

Beginning, then, with the first of the qualities above noticed, I say that it may be a good thing to be reputed liberal, but, nevertheless, that liberality without the reputation of it is hurtful; because, though it be worthily and rightly used, still if it be not known, you escape not the reproach of its opposite vice. Hence, to have credit for liberality with the world at large, you must neglect no circumstance of sumptuous display; the result being, that a Prince of liberal disposition will consume his whole substance in things of this sort, and, after all, be obliged, if he would maintain his reputation for liberality, to burden his subjects with extraordinary taxes, and to resort to confiscations and all the other shifts whereby money is raised. But in this way he becomes hateful to his subjects, and growing impoverished is held in little esteem by any. So that in the end, having by his liberality offended many and obliged few, he is worse off than when he began, and is exposed to all his original dangers. Recognizing this, and endeavouring to retrace his steps, he at once incurs the infamy of miserliness.

A Prince, therefore, since he cannot without injury to himself practise the virtue of liberality so that it may be known, will not, if he be wise, greatly concern himself though he

be called miserly. Because in time he will come to be regarded as more and more liberal when it is seen that through his parsimony his revenues are sufficient that he is able to defend himself against any who make war on him; that he can engage in enterprises against others without burdening his subjects; and thus exercise liberality towards all from whom he does not take, whose number is infinite, while he is miserly in respect of those only to whom he does not give, whose number is few.

In our own days we have seen no Princes accomplish great results save those who have been accounted miserly. All others have been ruined. Pope Julius II, after availing himself of his reputation for liberality to arrive at the Papacy, made no effort to preserve that reputation when making war on the King of France, but carried on all his numerous campaigns without levying from his subjects a single extraordinary tax, providing for the increased expenditure out of his long-continued savings. Had the present King of Spain been accounted liberal, he never could have engaged or succeeded in so many enterprises.

A Prince, therefore, if he is enabled thereby to forbear from plundering his subjects, to defend himself, to escape poverty and contempt, and the necessity of becoming rapacious, ought to care little though he incur the reproach of miserliness, for this is one of those vices which enable him to reign. And should any object that Caesar by his liberality rose to power, and that many others have been advanced to the highest dignities from their having been liberal and so reputed, I reply, 'Either you are already a Prince or you seek to become one; in the former case liberality is hurtful, in the latter it is very necessary that you be thought liberal; Caesar was one of those who sought the sovereignty of Rome; but if after obtaining it he had lived on without retrenching his expenditure, he must have ruined the Empire.' And if it be further urged that many Princes reputed to have been most liberal have achieved great things with their armies, I answer that a Prince spends either what belongs to himself and his subjects, or what belongs to others; and that in the former case he ought to be sparing, but in the latter ought not to refrain from any kind of liberality. Because for a Prince who leads his armies in person and maintains them by plunder, pillage, and forced contributions, dealing as he does with the property of others this liberality is necessary, since otherwise he would not be followed by his soldiers. Of what does not belong to you or to your subjects you should, therefore, be a lavish giver as were Cyrus, Caesar, and Alexander; for to be liberal with the property of others does not take from your reputation, but adds to it. What injures you is to give away what is your own. And there is no quality so self-destructive as liberality; for while you practise it you lose the means whereby it can be practised, and become poor and despised, or else, to avoid poverty, you become rapacious and hated. For liberality leads to one or other of these two results, against which, beyond all others, a Prince should guard.

Wherefore it is wiser to put up with the name of being miserly, which breeds ignominy, but without hate, than to be obliged, from the desire to be reckoned liberal, to incur the reproach of rapacity, which breeds hate as well as ignominy.

XVII: Of cruelty and clemency, and whether it is better to be loved or feared

Passing to the other qualities above referred to, I say that every Prince should desire to be accounted merciful and not cruel. Nevertheless, he should be on his guard against the abuse of this quality of mercy. Cesare Borgia was reputed cruel, yet his cruelty restored Romagna, united it, and brought it to order and obedience; so that if we look at things in their true light, it will be seen that he was in reality far more merciful than the people of Florence, who, to avoid the imputation of cruelty, suffered Pistoja to be torn to pieces by factions.

A Prince should therefore disregard the reproach of being thought cruel where it enables him to keep his subjects united and obedient. For he who quells disorder by a very few signal examples will in the end be more merciful than he who from too great leniency permits things to take their course and to result in rapine and bloodshed; for these hurt the whole State, whereas the severities of the Prince injure individuals only.

And for a new Prince, of all others, it is impossible to escape a name for cruelty, since new States are full of dangers. Wherefore Virgil, by the mouth of Dido, excuses the harshness of her reign on the plea that it was new, saying:—

A fate unkind, and newness in my reign
Compel me thus to guard a wide domain.

Nevertheless, the new Prince should not be too ready of belief, nor too easily set in motion; nor should he himself be the first to raise alarms; but should so temper prudence with kindness that too great confidence in others shall not throw him off his guard, nor groundless distrust render him insupportable.

And here comes in the question whether it is better to be loved rather than feared, or feared rather than loved. It might perhaps be answered that we should wish to be both; but since love and fear can hardly exist together, if we must choose between them, it is far safer to be feared than loved. For of men it may generally be affirmed that they are thankless, fickle, false, studious to avoid danger, greedy of gain, devoted to you while you are able to confer benefits upon them, and ready, as I said before, while danger is distant, to shed their blood, and sacrifice their property, their lives, and their children for you; but in the hour of need they turn against you. The Prince, therefore, who without otherwise securing himself builds wholly on their professions is undone. For the friendships which we buy with a price, and do not gain by greatness and nobility of character, though they be fairly earned are not made good, but fail us when we have occasion to use them.

Moreover, men are less careful how they offend him who makes himself loved than him who makes himself feared. For love is held by the tie of obligation, which, because men are a sorry breed, is broken on every whisper of private interest; but fear is bound by the apprehension of punishment which never relaxes its grasp.

Nevertheless a Prince should inspire fear in such a fashion that if he do not win love he may escape hate. For a man may very well be feared and yet not hated, and this will be the case so long as he does not meddle with the property or with the women of his citizens and subjects. And if constrained to put any to death, he should do so only when there is manifest cause or reasonable justification. But, above all, he must abstain from the property of others. For men will sooner forget the death of their father than the loss of their patrimony. Moreover, pretexts for confiscation are never to seek, and he who has once begun to live by rapine always finds reasons for taking what is not his; whereas reasons for shedding blood are fewer, and sooner exhausted.

But when a Prince is with his army, and has many soldiers under his command, he must needs disregard the reproach of cruelty, for without such a reputation in its Captain, no army can be held together or kept under any kind of control. Among other things remarkable in Hannibal this has been noted, that having a very great army, made up of men of many different nations and brought to fight in a foreign country, no dissension ever arose among the soldiers themselves, nor any mutiny against their leader, either in his good or in his evil fortunes. This we can ascribe to the transcendent cruelty, which, joined with numberless great qualities, rendered him at once venerable and terrible in the eyes of his soldiers; for without this reputation for cruelty these other virtues would not have produced the like results.

Unreflecting writers, indeed, while they praise his achievements, have condemned the chief cause of them; but that his other merits would not by themselves have been so efficacious we may see from the case of Scipio, one of the greatest Captains, not of his own time only but of all times of which we have record, whose armies rose against him in Spain from no other cause than his too great leniency in allowing them a freedom inconsistent with military strictness. With which weakness Fabius Maximus taxed him in the Senate House, calling him the corrupter of the Roman soldiery. Again, when the Locrians were shamefully outraged by one of his lieutenants, he neither avenged them, nor punished the insolence of his officer; and this from the natural easiness of his disposition. So that it was said in the Senate by one who sought to excuse him, that there were many who knew better how to refrain from doing wrong themselves than how to correct the wrong-doing of others. This temper, however, must in time have marred the name and fame even of Scipio, had he continued in it, and retained his command. But living as he did under the control of the Senate, this hurtful quality was not merely disguised, but came to be regarded as a glory.

Returning to the question of being loved or feared, I sum up by saying, that since his being loved depends upon his subjects, while his being feared depends upon himself, a wise Prince should build on what is his own, and not on what rests with others. Only, as I have said, he must do his utmost to escape hatred.

XVIII: How Princes should keep faith

Every one understands how praiseworthy it is in a Prince to keep faith, and to live uprightly and not craftily. Nevertheless, we see from what has taken place in our own days that Princes who have set little store by their word, but have known how to overreach men by their cunning, have accomplished great things, and in the end got the better of those who trusted to honest dealing.

Be it known, then, that there are two ways of contending, one in accordance with the laws, the other by force; the first of which is proper to men, the second to beasts. But since the first method is often ineffectual, it becomes necessary to resort to the second. A Prince should, therefore, understand how to use well both the man and the beast. And this lesson has been covertly taught by the ancient writers, who relate how Achilles and others of these old Princes were given over to be brought up and trained by Chiron the Centaur; since the only meaning of their having for instructor one who was half man and half beast is, that it is necessary for a Prince to know how to use both natures, and that the one without the other has no stability.

But since a Prince should know how to use the beast's nature wisely, he ought of beasts to choose both the lion and the fox; for the lion cannot guard himself from the toils, nor the fox from the wolves. He must therefore be a fox to discern toils, and a lion to drive off wolves.

To rely wholly on the lion is unwise; and for this reason a prudent Prince neither can nor ought to keep his word when to keep it is hurtful to him and the causes which led him to pledge it are removed. If all men of fortune turn, and, as I have already said, he ought not to quit good courses if he can help it, but should know how to follow evil courses if he must.

A Prince should therefore be very careful that nothing ever escapes his lips which is not replete with the five qualities above named, so that to see and hear him, one would think him the embodiment of mercy, good faith, integrity, humanity, and religion. And there is no virtue which it is more necessary for him to seem to possess than this last; because men in general judge rather by the eye than by the hand, for every one can see but few can touch. Every one sees what you seem, but few know what you are, and these few dare not oppose themselves to the opinion of the many who have the majesty of the State to back them up.

Moreover, in the actions of all men, and most of all of Princes, where there is no tribunal to which we can appeal, we look to results. Wherefore if a Prince succeeds in establishing and maintaining his authority, the means will always be judged honourable and be approved by every one. For the vulgar are always taken by appearances and by results, and the world is made up of the vulgar, the few only finding room when the many have no longer ground to stand on.

A certain Prince of our own days, whose name it is as well not to mention, is always preaching peace and good faith, although the mortal enemy of both; and both, had he practised them as he preaches them, would, oftener than once, have lost him his kingdom and authority.

**XXV: What fortune can effect in human affairs,
and how she may be withstood**

I am not ignorant that many have been and are of the opinion that human affairs are so governed by Fortune and by God, that men cannot alter them by any prudence of theirs, and indeed have no remedy against them; and for this reason have come to think that it is not worth while to labour much about anything, but that they must leave everything to be determined by chance.

Often when I turn the matter over, I am in part inclined to agree with this opinion, which has had the readier acceptance in our own times from the great changes in things which we have seen, and every day see happen contrary to all human expectation. Nevertheless, that our free will be not wholly set aside, I think it may be the case that Fortune is the mistress of one half our actions, and yet leaves the control of the other half, or a little less, to ourselves. And I would liken her to one of those wild torrents which, when angry, overflow the plains, sweep away trees and houses, and carry off soil from one bank to throw it down upon the other. Every one flees before them, and yields to their fury without the least power to resist. And yet, though this be their nature, it does not follow that in seasons of fair weather, men cannot, by constructing weirs and moles, take such precautions as will cause them when again in flood to pass off by some artificial channel, or at least prevent their course from being so uncontrolled and destructive. And so it is with Fortune, who displays her might where there is no organized strength to resist her, and directs her onset where she knows that there is neither barrier nor embankment to confine her.

And if you look at Italy, which has been at once the seat of these changes and their cause, you will perceive that it is a field without embankment or barrier. For if, like Germany, France, and Spain, it had been guarded with sufficient skill, this inundation, if it ever came upon us, would never have wrought the violent changes which we have witnessed.

This I think enough to say generally touching resistance to Fortune. But confining myself more closely to the matter in hand, I note that one day we see a Prince prospering and the next day overthrown, without detecting any change in his nature or character. This, I believe, comes chiefly from a cause already dwelt upon, namely, that a Prince who rests wholly on Fortune is ruined when she changes. Moreover, I believe that he will prosper most whose mode of acting best adapts itself to the character of the times; and conversely that he will be unprosperous, with whose mode of acting the times do not accord. For we see that men in these matters which lead to the end that each has before him, namely, glory and wealth, proceed by different ways, one with caution, another with impetuosity, one with violence, another with subtlety, one with patience, another with its contrary; and that by one or other of these different courses each may succeed.

Again, of two who act cautiously, you shall find that one attains his end, the other not, and that two of different temperament, the one cautious, the other impetuous, are equally

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successful. All which happens from no other cause than that the character of the times accords or does not accord with their methods of acting. And hence it comes, as I have already said, that two operating differently arrive at the same result, and two operating similarly, the one succeeds and the other not. On this likewise depend the vicissitudes of Fortune. For if to one who conducts himself with caution and patience, time and circumstances are propitious, so that his method of acting is good, he goes on prospering; but if these change he is ruined, because he does not change his method of acting.

For no man is found so prudent as to know how to adapt himself to these changes, both because he cannot deviate from the course to which nature inclines him, and because, having always prospered while adhering to one path, he cannot be persuaded that it would be well for him to forsake it. And so when occasion requires the cautious man to act impetuously, he cannot do so and is undone: whereas, had he changed his nature with time and circumstances, his fortune would have been unchanged.

Pope Julius II proceeded with impetuosity in all his undertakings, and found time and circumstances in such harmony with his mode of acting that he always obtained a happy result. Witness his first expedition against Bologna, when Messer Giovanni Bentivogli was yet living. The Venetians were not favourable to the enterprise; nor was the King of Spain. Negotiations respecting it with the King of France were still open. Nevertheless, the Pope with his wonted hardihood and impetuosity marched in person on the expedition, and by this movement brought the King of Spain and the Venetians to a check, the latter through fear, the former from his eagerness to recover the entire Kingdom of Naples; at the same time, he dragged after him the King of France, who, desiring to have the Pope for an ally in humbling the Venetians, on finding him already in motion saw that he could not refuse him his soldiers without openly offending him. By the impetuosity of his movements, therefore, Julius effected what no other Pontiff endowed with the highest human prudence could. For had he, as any other Pope would have done, put off his departure from Rome until terms had been settled and everything duly arranged, he never would have succeeded. For the King of France would have found a thousand pretexts to delay him, and the others would have menaced him with a thousand alarms. I shall not touch upon his other actions, which were all of a like character, and all of which had a happy issue, since the shortness of his life did not allow him to experience reverses. But if times had overtaken him, rendering a cautious line of conduct necessary, his ruin must have ensued, since he never could have departed from those methods to which nature inclined him.

To be brief, I say that since Fortune changes and men stand fixed in their old ways, they are prosperous so long as there is congruity between them, and the reverse when there is not. Of this, however, I am well persuaded, that it is better to be impetuous than cautious. For Fortune is a woman who to be kept under must be beaten and roughly handled; and we see

that she suffers herself to be more readily mastered by those who so treat her than by those who are more timid in their approaches. And always, like a woman, she favours the young, because they are less scrupulous and fiercer, and command her with greater audacity.

2 John Milton (1608–74) and the Levellers

Milton was born the eldest son of a prosperous London family in 1608. His father was a scrivener and businessman, and his mother the daughter of a London merchant-tailor. He was cosseted by his family, who seem to have quickly recognised his outstanding gifts, and his early life seemed to destine him to become a poet and scholar of independent means. However, the English Revolution – and his own personal circumstances – brought about a willingness to engage in the frenzied political debate of the times, and he became recognised as one of the major political pamphleteers of his time. It is ironic that Milton, who became one of the greatest poets in the English language, published his major works – e.g. *Paradise Lost*, *Samson Agonistes* – only after the frustration of his political hopes by the restoration of Charles II. Had he died before 1660, he would have been remembered – if at all – as a political writer as much as a poet.

The Levellers were a group of radical pamphleteers and political activists who published a broad range of materials in the 1640s. They are widely regarded as the first modern advocates of equality as well as liberty, and they used the political context of the English Civil War to promulgate their philosophies. The key figures in the Leveller movement were mainly middle-class; they included John Lilburne (1614?–57), Richard Overton (*fl.* 1642–63), William Walwyn (1600–81) and John Wildman (1621?–93). They derived much of their political support from the ranks of the New Model Army, and this was accentuated during debates in Putney in which Colonel Thomas Rainsborough held considerable sway.

At the same time other, more radical, groups put Leveller advocacy of equality into context. The most prominent of these groups was the Diggers, who set up a commune at St George's Hill, Surrey, in 1649. The most notable of these radicals were Gerrard Winstanley (*d.* 1652) and William Everard.

One can regard the English Revolution and the Civil Wars which engendered it as an aftershock of the Reformation in the previous century. It is difficult, in our secular age, to appreciate the intermingling of the religious and the political which characterized the sixteenth and seventeenth centuries. The coming of Protestantism – especially in its Calvinist varieties – forced the people of the time to address political and social issues that could not have seriously come on to the agenda for discussion before this time. If, as Protestant thought holds, we are all born equally the children of God, and if we all have to work out our salvation with

the Deity individually, then this must call into question any social or political arrangement which may impede this task. Given this impetus – and given the fact that both Henry VIII's establishment of the English Church and Elizabeth I's conversion to Protestantism must be seen as political as well as religious actions – the ground for radical questioning of the role of the state, both in terms of religion as such and in terms of the conscience of the individual, was well prepared by the seventeenth century. When James VI of Scotland, on his triumphal progress to become James I of England, met Puritan crowds crying 'No Bishops, no King!', this merely provided a foretaste of what was to come.

England and Scotland during the reign of Charles I (1625–49) were the scene of widespread religious discontent, and, because of the alliance of Church and State, such discontent of necessity had social and political implications. The relationship between King and Parliament could hardly have been worse, and in 1629 Charles decided to rule without Parliament. His attempts to suppress disorder by censorship and the use of the court of Star Chamber were largely ineffectual; in 1638 Scotland erupted into open rebellion, and by 1640 a Scottish army was in place in the north of England. Forced to recall Parliament to vote for taxes to fund opposition to the Scots, Charles instituted the Long Parliament of 1640, and so engendered the Civil War and his own execution in 1649.

The political turbulence of these years provided the opportunity for the development of social, political and religious ideas in a way that had never been possible before. It was in this context that the political statements of both the Levellers and Milton came to the fore. Whilst Milton initially supported the essentially Presbyterian Parliament, he was never merely a mouthpiece for such a body.

His highest praise for Parliament occurs in his *The Reason of Church-Government Urg'd Against Prelaty* of 1642, but, even here, his praise for the institution is tempered by his confidence in the common people and his charity towards dissenting groups. Although he often ran the risk of persecution, Milton was never in fact its victim. The Levellers' leaders, on the other hand, were imprisoned for their writing at one time or another between 1640 and 1649.

When the Civil War broke out between the forces of the King and Parliament, issues related to political legitimacy and sovereignty became the focus of political debate. During this period Milton was engaged in writing pamphlets on issues dear to his own heart – on divorce and the freedom of the press. The Levellers, with their much broader political focus, gained influence within the Parliamentary armies and, as these armies triumphed, this influence flourished.

The key period which forced both Milton and the Levellers to make their final political choices occurred between 1647 and 1649. The victorious Parliament, dominated by a Presbyterian majority, voted to disband the army in 1647. The army – both officers and men – refused to disband and, having been politicised under Leveller and Independent influence, regarded the Parliamentary negotiations with

the King and the Scots with profound suspicion. In 1648 a second Civil War broke out, and the army both crushed scattered Royalist risings and destroyed a Scottish army at Preston. In 1648 the army leaders expelled nearly one hundred members from the House of Commons, leaving a minority ('the Rump') which would support its measures, and began the process which led to the King's execution on 30 January 1649.

It was probably during the trial of Charles that Milton, having become disenchanted with Presbyterianism, wrote his most radical pamphlet, *The Tenure of Kings and Magistrates*, which both supported the execution of the King and berated the Presbyterians for their failure to follow their political ideas to their logical conclusion. A month after its publication in February 1649 Milton was appointed Secretary for Foreign Tongues by the purged Parliament – the irony here being that, having urged a doctrine of popular sovereignty in *The Tenure of Kings and Magistrates*, he came to serve a decidedly unrepresentative government.

The Levellers were far more suspicious of Parliament than Milton and viewed the coming of Cromwell's republic with trepidation. In *England's New Chains* (1649) Lilburne expressed his opposition to the development of the new oligarchy, and he recognised that there would be unrest both within and without the army. (One of the first tasks that Parliament requested Milton to undertake was to draft a reply to this tract; for some reason, still argued about by scholars, Milton did not comply.) As Lilburne had foreseen, Leveller-inspired mutinies did occur, and were crushed by Cromwell in his usual ruthless style. The hopes and aspirations of both the Levellers and Milton were dashed by the Restoration of Charles II in 1660.

The relationship between the political ideas of the Levellers and those of Milton is still a matter of academic debate (see Hill 1977 and Zagarin 1992). Nevertheless, it is certainly true that they shared a common religious impetus – although some of the Levellers went beyond this – and that there are certain common themes in their works. Thus, they all promoted religious toleration and the disestablishment of the Church. They regarded religious and political rights as ultimately residing with the people. They distrusted (or, in Milton's case, came to distrust) the Presbyterian Church for its suspected intolerance of religious freedom, and they believed that men would respond to reason and argument. Perhaps the key difference between them was that the Levellers were able to grasp the secular, political implications of their ideas, whereas Milton's ideas remained embedded within his theology. So, for instance, although at different times both appeal to and praise the sense of 'the people', with Milton we always retain the sense that he means the people of virtue or religious seriousness.

Given the eclectic nature of the group of writers who came under the auspices of the Leveller movement it is not surprising that establishing common ground between them and Milton is difficult, if not impossible. Among the Levellers' most important works were Lilburne's *England's Birth-Right Justified* (1645) and *England's New Chains Discovered* (1649), and Overton's *An Arrow Against all Tyrants* (1646). In the first of these works Lilburne argues against the arbitrary location of power in the hands of either the monarchy or Parliament and is particularly concerned with the nefarious ways in which various public offices were interlinked.

The remedy for this he suggests is annual parliaments and a yearly term of office in public service. In his later pamphlet he stresses the importance of control over the army at the end of the Civil War and warns against the possibility that Cromwell could acquire dictatorial powers. Overton's pamphlet rails against both the House of Lords and the hierarchy of the Presbyterian church for their intolerance with regard to religious freedom. Thus, Overton develops a non-religious doctrine of natural rights as the basis of political rights. These rights are implanted in man by nature (Aylmer 1975). He does not deny the God-given origin of such natural rights but rather opposes the imposition of one particular theological viewpoint as the 'true' interpretation of how these rights originate.

Despite the variety of views among the Leveller pamphleteers (e.g. Overton's more secular approach, compared to that of Lilburne; Walwyn's leaning to the Left) there are a number of common ideas in their political thought. Firstly, they were staunch advocates of natural rights, and thus opposed to any arbitrary power wielded by the political classes of their day. Secondly, they argued against the vast social inequalities which characterised the times, and the exploitation of the poor which flowed from these. Lastly, they believed that political sovereignty and authority always resided with the individual members of the state, and that such members remained responsible for the use of legitimate political power. As well as writing their individual pamphlets, the Levellers attempted to give a practical manifestation to their philosophy by drafting collective documents called *Agreements of the People*. These were effectively prototype social contracts, which provided formal constitutional recognition of natural rights and therefore attempted to limit the appropriation of power by political institutions. These *Agreements* show how Leveller ideas developed in the two years between 1647 and 1649. They also provide the focus for some of the current debate concerning the Levellers, with some commentators (see MacPherson 1962) arguing that they are rather less radical than they at first appear, whilst others (see Hampsher-Monk 1976) warn against judging the Levellers by the standards of our time and hold that, in context, they can be seen as extremely radical.

Milton's political writings, too, have to be understood in the context of his time. It is probably fair to say that, of all his many pamphlets, only the *Areopagitica* is now read by people not professionally interested in Milton and the Civil War. However, even this document, with its defence of a free press, was a response to the Parliamentary ordinance of 1643 which required the licensing and approval of all writings by Parliament-approved censors before publication. And Milton's defence of freedom neither precludes prosecution after publication nor applies to Catholics. But to try and wish away the disenchantment with Presbyterianism which engenders the pamphlet and the limits of its libertarianism is simply to misunderstand the politics of its time (it could be argued that Milton's service to the Rump parliament was the result neither of lack of vision nor of political naiveté but rather of political realism). Milton's other pamphlets may be uncongenial reading for our secular age, but they show a great mind trying to come to terms with the issues of his day and, in doing so, beginning to formulate political doctrines that would resonate beyond his particular time. Someone that could write:

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It being thus manifest that the power of kings and magistrates is nothing else but what is derivative, transferred, and committed to them in trust from the people to the common good of them all, in whom the power remains fundamentally and cannot be taken from them without a violation of their natural birthright;

(*The Tenure of Kings and Magistrates*)

or

To make the people fittest to choose, and the chosen fittest to govern, will be to mend our corrupt and faulty education, to teach people faith, not without virtue, temperance, modesty, sobriety, parsimony, justice; not to admire wealth and honour; to hate turbulence and ambition; to place everyone his private welfare and happiness in the public peace, liberty and safety.

(*The Ready and Easy Way to Establish a Free Commonwealth*)

cannot be accused either of being a mere defender of the political interests of the time or of lacking radicalism.

Included with the extracts from the Levellers and Milton is a brief extract from the Digger writer Winstanley. It is included to show the range of opinion being put forward at the time. Its argument – that the ownership of private property can be equated with original sin, and thus we need economic redistribution of goods – would have been anathema to both the Levellers and Milton.

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EXTRACT FROM JOHN MILTON, *AREOPAGITICA*

For the Liberty of unlicenc'd printing

[...] If ye be thus resolv'd, as it were injury to thinke ye were not, I know not what should withhold me from presenting ye with a fit instance wherein to shew both that love of truth which ye eminently professe, and that uprightness of your judgement which is not wont to be partiall to your selves; by judging over again that Order which ye have ordain'd to regulate Printing. That no Book, pamphlet, or paper shall be henceforth Printed unlesse the same be first approv'd and licenc't by such, or at least one of such as shall be thereto appointed.

[...] I deny not, but that it is of greatest concernment in the church and Commonwealth, to have a vigilant eye how Bookes demeane themselves as well as men; and thereafter to confine, imprison, and do sharpest justice on them as malefactors: For Books are not absolutely dead things, but doe contain a potencie of life in them to be as active as that soule was whose progeny they are; nay they do preserve as in a violl the purest efficacie and extraction of that living intellect that bred them. I know they are as lively, and as vigorously productive, as those fabulous Dragon's teeth; and being sown up and down, may chance to spring up armed men. And yet on the other hand unlesse warinesse be us'd, as good almost kill a Man as kill a good Book; who kills a Man kills a reasonable creature, Gods Image; but he who destroyes a good Booke, kills reason it selfe, kills the Image of God, as it were in the eye. Many a man lives a burden to the Earth; but a good Booke is the pretious lifeblood of a master spirit, embalm'd and treasur'd up on purpose to a life beyond life. 'Tis true, no age can restore a life, whereof perhaps there is no great losse; and revolutions of ages doe not oft recover the losse of a rejected truth, for the want of which whole Nations fare the worse.

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We should be wary therefore what persecution we raise against the living labours of publick men, how we spill that season'd life of man preserv'd and stor'd up in Books; since we see a kinde of homicide may be thus committed, sometimes a martyrdome, and if it extend to the whole impression, a kinde of massacre, whereof the execution ends not in the slaying of an elementall life, but strikes at that ethereall and fifth essence, the breath of reason it selfe slaies an immortality rather than a life. But lest I should be condemn'd of introducing licence, while I oppose Licencing, I refuse not the paines to be so much Historicall, as will serve to shew what hath been done by ancient and famous Commonwealths, against this disorder, till the very time that this project of licencing crept out of the Inquisition, was catched up by our Prelates, and hath caught some of our Presbyters.

[...] After which time the Popes of Rome, engrossing what they pleas'd of Politicall rule into their owne hands, extended their dominion over mens eyes as they had before over their judgements, burning and prohibiting to be read what they fansied not; yet sparing in their censures, and the Books not many which they so dealt with: till Martin the 5 by his Bull not only prohibited, but was the first that excommunicated the reading of hereticall Books; for about that time Wicklef and Husse growing terrible, were they who first drove the Papall Court to a stricter policy of prohibiting. Which cours Leo the 10, and his successors follow'd, untill the Councell of Trent, and the Spanish Inquisition engendering together brought forth, or perfered those Catalogues, and expunging Indexes that rake through the entrails of many an old good Author, with a violation wors then any could be offer'd to his tomb. Nor did they stay in matters Hereticall, but any subject that was not to their palat, they either condemn'd in a prohibition, or had it strait into the new Purgatory of an Index. To fill up the measure of encroachment, their last invention was to ordain that no Book, pamphlet, or paper should be Printed (as if S. Peter had bequeathed them the keys of the Presse also out of Paradise) unlesse it were approv'd and licenc't under the hands of 2 or 3 glutton Friers.

[...] But that a Book in wors condition then a peccant soul, should be to stand before a Jury ere it be borne to the World, and undergo yet in darknesse the judgement of Radamanth and his Collegues, ere it can passe the ferry backward into light, was never heard before, till that mysterious iniquity provokt and troubl'd at the first entrance of Reformation, sought out new limbo's and new hells wherein they might include our Books also within the number of their damned. And this was the rare morsell so officiously snatcht up, and so ilfavourly imitated by our inquisituriert Bishops, and the attendant minorites their Chaplains. That ye like not now these most certain Authors of this licencing order, and that all sinister intention was farre distant from your thoughts, when ye were importun'd the passing it, all men who know the integrity of your actions, and how ye honour Truth, will clear yee readily.

[...] To the pure all things are pure, not only meats and drinks, but all kinde of knowledge whether of good or evill; the knowledge cannot defile, nor consequently the books, if the will and conscience be not defil'd. For books are as meats and viands are some of good, some of

evill substance; and yet God in that unapocryphall vision, said without exception, Rise Peter, kill and eat, leaving the choice to each mans discretion. Wholesome meats to a vitiated stomach differ little or nothing from unwholesome; and best books to a naughty mind are not unapplicable to occasions of evill. Bad meats will scarce breed good nourishment in the healthiest concoction; but herein the difference is of bad books, that they to a discreet and judicious Reader serve in many respects to discover, to confute forewarn and to illustrate.

[...] He that can apprehend and consider vice with all her baits and seeming pleasures, and yet abstain, and yet distinguish, and yet prefer that which is truly better, he is the true wayfaring Christian.

I cannot praise a fugitive and cloistered vertue, unexercis'd & unbreath'd, that never sallies out and sees her adversary, but slinks out of the race, where that immortall garland is to be run for, not without dust and heat. Assuredly we bring not innocence into the world, we bring impurity much rather: that which purifies us is triall, and triall is by what is contrary. That vertue therefore which is but a youngling in the contemplation of evill, and knows not the utmost that vice promises to her followers, and rejects it, is but a blank vertue, not a pure; her whitenesse is but an excrementall whiteness.

[...] Since therefore the knowledge and survey of vice is in this world so necessary to the constituting of human vertue, and the scanning of error to the confirmation of truth, how can we more safely, and with lesse danger scout into the regions of sin and falsity then by reading all manner of tractats, and hearing all manner of reason? And this is the benefit which may be had of books promiscuously read.

But of the harm that may result hence three kinds are usually reekn'd. First, is fear'd the infection that may spread; but then all human learning and controversie in religious points must remove out of the world, yea the Bible it selfe; for that of times relates blasphemy not nicely, it describes the carnall sense of wicked men not unelegantly, it brings in holiest men passionately murmuring against providence through all the arguments of Epicurus: in other great disputes it answers dubiously and darkly to the common reader.

[...] Tis next alleg'd we must not expose our selves to temptations without necessity, and next to that, not imploy our time in vain things. To both these objections one answer will serve, out of the grounds already laid, that to all men such books are not temptations, nor vanities; but usefull drugs and materialls where with to temper and compose effective and strong med'cins, which mans life cannot want. The rest, as children and childish men, who have not the art to qualifie and prepare these working mineralls, well may be exhorted to forbear, but hinder'd forcibly they cannot be by all the licencing that Sainted Inquisition could ever yet contrive.

[...] If we think to regulat Printing, thereby to rectifie manners, we must regulat all recreations and pastimes, all that is delightfull to man. No musick must be heard, no song be set or sung, but what is grave and Doric. There must be licencing dancers, that no gesture,

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motion, or deportment be taught our youth but what by their allowance shall be thought honest; for such Plato was provided of. It will ask more then the work of twenty licensers to examin all the lutes, the violins, and the ghittarrs in every house; they must not be suffer'd to prattle as they doe, but must be licence'd what they may say. And who shall silence all the airs and madrigalls, that whisper softnes in chambers?

[...] Next, what more Nationall corruption, for which England hears ill abroad, than houshold gluttony; who shall be the rectors of our daily rioting? and what shall be done to inhibit the multitudes that frequent those houses where drunk'nes is sold and harbour'd? Our garments also should be referr'd to the licencing of some more sober work-masters to see them cut into a lesse wanton garb. Who shall regulat all the mixt conversation of our youth, male and female together, as is the fashion of this Country, who shall still appoint what shall be discourse, what presum'd, and no furdur? Lastly, who shall forbid and separat all idle resort, all evill company? These things will be, and must be; but how they shall be lest hurtfull, how lest enticing, herein consists the grave and governing wisdom of a State.

[...] He is not trusted with his own actions, his drift not being known to be evill, and standing to the hazard of law and penalty, has no great argument to think himself reputed in the Commonwealth wherin he was born, for other then a fool or a foreiner. When a man writes to the world, he summons up all his reason and deliberation to assist him; he searches, meditats, is industrious and likely consults and confers with his judicious friends; after all which done he takes himself to be inform'd in what he writes, as well as any that writ before him; if in this the most consummat act of his fidelity and ripenesse, no years, no industry, no former proof of his abilities can bring him to that state of maturity, as not to be still mistrusted and suspected, unlesse he carry all his considerat diligence, all his midnight watchings, and expence of Palladian oyl, to the hasty view of an unleasur'd licenser, perhaps much his younger, perhaps far his inferiour in judgement, perhaps one who never knew the labour of book writing.

[...] And how can a man teach with authority, which is the life of teaching, how can he be a Doctor in his book as he ought to be, or else had better be silent, when as all he teaches, all he delivers, is but under the tuition, under the correction of his patriarchal licenser to blot or alter what precisely accords not with the hidebound humor which he calls his judgement. When every acute reader upon the first sight of a pedantick licence, will be ready with these like words to ding the book a coits distance from him, I hate a pupil teacher, I endure not an instructor that comes to me under the wardship of an overseeing fist. I know nothing of the licenser, but that I have his own hand here for his arrogance; who shall warrant me his judgements.

[...] And as it is a particular disesteem of every knowing person alive, and most injurious to the writt'n labours and monuments of the dead, so to me it seems an undervaluing and vilifying of the whole Nation. I cannot set so light by all the invention, the art, the wit, the grave and solid judgement which is in England, as that it can be comprehended in any twenty

capacities how good soever, much lesse that it should not passe except their superintendence be over it, except it be sifted and strain'd with their strainers, that it should be uncurrant without their manuall stamp. Truth and understanding are not such wares as to be monopolized and traded in by tickets and statutes, and standards. We must not think to make a staple commodity of all the knowledge in the Land, to mark and licence it like our broad cloath, and our woollpacks. What is it but a servitude like that impos'd by the Philistines, not to be allow'd the sharpening of our own axes and coulthers, but we must repair from all quarters to twenty licencing forges.

[...] Nor is it to the common people lesse than a reproach; for if we be so jealous over them, as that we dare not trust them with an English pamphlet, what doe we but censure them for a giddy, vitious, and ungrounded people; in such a sick and weak estate of faith and discretion, as to be able to take nothing down but through the pipe of a licencer.

[...] Well knows he who uses to consider, that our faith and knowledge thrives by exercise, as well as our limbs and complexion. Truth is compar'd in Scripture to a streaming fountain; if her waters flow not in a perpetuall progression, they sick'n into a muddy pool of conformity and tradition. A man may be a heretick in the truth; and if he believe things only because his Pastor sayes so, or the Assembly so determine, without knowing other reason, though his belief be true, yet the very truth he holds, becomes his heresy. There is not any burden that som would gladlier post off to another, than the charge and care of their Religion. There be, who knows not that there be of Protestants and professors who live and dye in as arrant an implicit faith, as any lay Papist of Loretto. A wealthy man addicted to his pleasure and to his profits, finds Religion to be a traffick so entangl'd, and of so many piddling accounts, that of all mysteries he cannot skill to keep a stock going upon that trade. What should he doe? fain he would have the name to be religious, fain he would bear up with his neighbours in that. What does he therefore, but resolv's to give over toyling, and to find himself out som factor, to whose care and credit he may commit the whole managing of his religious affairs; som Divine of note and estimation that must be. To him he adheres, resigns the whole warehouse of his religion, with all the locks and keyes into his custody; and indeed makes the very person of that man his religion; esteems his associating with him a sufficient evidence and commendatory of his own piety. So that a man may say his religion is now no more within himself, but is becom a dividuall movable, and goes and comes neer him, according as that good man frequents the house. He entertains him, gives him gifts, feasts him, lodges him; his religion comes home at night, praies, is liberally supt, and sumptuously laid to sleep, rises, is saluted, and after the malmsey, or some well spic't bruage, and better breakfasted then he whose morning appetite would have gladly fed on green figs between Bethany and Ierusalem, his Religion walks abroad at eight, and leavs his kind entertainer in the shop trading all day without his religion.

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Another sort there he who when they hear that all things shall be order'd, all things regulated and setl'd; nothing writt'n but what passes through the customhouse of certain Publicans that have the tunaging and the poundaging of all free spok'n truth, will strait give themselves up into your hands, mak'em & cut'em out what religion ye please; there be delights, there be recreations and jolly pastimes that will fetch the day about from sun to sun, and rock the tedious year as in a delightful dream. What need they torture their heads with that which others have tak'n so strictly, and so unalterably into their own pourveying. These are the fruits which a dull case and cessation of our knowledge will bring forth among the people. How goodly, and how to be wisht were such an obedient unanimity as this, what a fine conformity would it starch us all into? doubtles a stanch and solid peace of frame-work, as any January could freeze together.

[...] Behold now this vast City; a City of refuge, the mansion house of liberty, encompassed and surrounded with his protection; the shop of warre hath not there more anvils and hammers waking, to fashion out the plates and any instruments of armed Justice in defence of beleaguered Truth, then there be pens and heads there, sitting by their studious lamps, musing, searching, revolving new notions and idea's wherewith to present, as with their homage and their fealty the approaching Reformation: others as fast reading, trying all things, assenting to the force of reason and convincement. What could a man require more from a Nation so pliant and so prone to seek after knowledge. What wants there to such a towardly and pregnant soile, but wise and faithfull labourers, to make a knowing people, a Nation of Prophets, of Sages, and of Worthies. We reck'n more then five months yet to harvest; there need not be five weeks, had we but eyes to lift up, the fields are white already.

Where there is much desire to learn, there of necessity will be much arguing, much writing, many opinions; for opinion in good men is but knowledge in the making. Under these fantastic terrors of sect and schism, we wrong the earnest and zealous thirst after knowledge and understanding which God hath stirr'd up in this City. What some lament of, we would rather rejoyce at, should rather praise this pious forwardnes among men, to reassume the ill deputed care of their Religion into their own hands again. A little generous prudence, a little forbearance of one another, and som grain of charity might win all these diligences to joyn, and unite into one generall and brotherly search after Truth; could we but forgoe this Prelaticall tradition of crowding free consciences and Christian liberties into canons and precepts of men.

[...] What should ye doe then, should ye suppress all this flowry crop of knowledge and new light sprung up and yet springing daily in this City, should ye set an Oligarchy of twenty ingrossers over it, to bring a famin upon our minds again, when we shall know nothing but what is measur'd to us by their bushel? Beleeve it, Lords and Commons, they who counsell ye to such a suppressing, doe as good as bid ye suppress your selves; and I will soon shew how. If it be desir'd to know the immediat cause of all this free writing and free speaking, there cannot be assign'd a truer then your own mild, and free, and human government;

it is the liberty, Lords and Commons, which your own valorous and happy counsels have purchast us, liberty which is the nurse of all great wits; this is that which hath rarify'd and enlightn'd our Spirits like the influence of heav'n; this is that which hath enfranchised, enlarg'd and lifted up our apprehensions degrees above themselves. Ye cannot make us now lesse capable, lesse knowing, lesse eagerly pursuing of the truth, unlesse ye first make your selves, that made us so, lesse the lovers, lesse the founders of our true liberty. We can grow ignorant again, brutish, formall, and slavish, as ye found us; but you then must first become that which ye cannot be, oppressive, arbitrary, and tyrannous, as they were from whom ye have free'd us.

[...] If all the windes of doctrin were let loose to play upon the earth, so Truth be in the field, we do injuriously by licencing and prohibiting to misdoubt her strength. Let her and Falshood grapple; who ever knew Truth put to the wors, in a free and open encounter?

[...] For who knows not that Truth is strong next to the Almighty; she needs no policies, nor stratagems, nor licencings to make her victorious, those are the shifts and the defences that error uses against her power: give her but room, & do not bind her when she sleeps, for then she speaks not true.

[...] If the mean while if any one would write, and bring his helpfull hand to the slow-moving Reformation which we labour under, if Truth have spok'n to him before others, or but seem'd at least to speak, who hath so bejesuited us that we should trouble that man with asking licence to doe so worthy a deed? and not consider this, that if it come to prohibiting, there is not ought more likely to be prohibited then truth it self; whose first appearance to our eyes belear'd, and dimm'd with prejudice and custom, is more unsightly and unplaussible then many errors, ev'n as the person is of many a great man slight and contemptible to see to. And what doe they tell us vainly of new opinions, when this very opinion of theirs, that none must be heard, but whom they like, is the worst and newest opinion of all others; and is the chief cause why sects and schisms doe so much abound, and true knowledge is kept at distance from us; besides yet a greater danger which is in it. For when God shakes a Kingdome with strong and healthfull commotions to a generall reforming, 'tis not untrue that many sectaries and false teachers are then busiest in seducing; but yet more true it is, that God then raises to his own work men of rare abilities, and more then common industry not only to look back and revise what hath bin taught heretofore, but to gain further and go on, some new enlightn'd steps in the discovery of truth. [...]

EXTRACT FROM *AN AGREEMENT OF THE FREE PEOPLE OF ENGLAND*

Tendered as a Peace-Offering to this distressed Nation

By Lieutenant Colonel John Lilburne, Master William Walwyn, Master Thomas

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Prince and Master Richard Overton, Prisoners in the Tower of London, May the I. 1649

Matth. 5. verse 9. Blessed are the Peace-makers for they shall be called the children of God.

[...]

After the long and tedious prosecution of a most unnaturall cruell, homebred war, occasioned by divisions and distempers amongst our selves, and those distempers arising from the uncertaintie of our Government, and the exercise of an unlimited or Arbitrary power, by such as have been trusted with Supreme and subordinate Authority, whereby multitudes of greivances and intolerable oppressions have been brought upon us. And finding after eight yeares experience and expectation all indeavours hitherto used, or remedies hitherto applyed, to have encreased rather then diminished our distractions, and that if not speedily prevented our falling againe into factions and divisions, will not only deprive us of the benefit of all those wonderful Victories God hath vouchsafed against such as sought our bondage, but expose us first to poverty and misery, and then to be destroyed by forraigne enemies.

And being earnestly desirous to make a right use of that opportunity God hath given us to make this Nation Free and Happy, to reconcile our differences, and beget a perfect amitie and friendship once more amongst us, that we may stand clear in our consciences before Almighty God, as unbyassed by any corrupt Interest or particular advantages, and manifest to all the world that our indeavours have nor proceeded from malice to the persons of any, or enmity against opinions; but in reference to the peace and prosperity of the Commonwealth, and for prevention of like distractions, and removall of all grievances; We the free People of England, to whom God hath given hearts, means and opportunity to effect the same, do with submission to his wisdom, in his name, and desiring the equity thereof may be to his praise and glory: Agree to ascertain our Government, to abolish all arbitrary Power, and to set bounds and limits both to our Supreme, and all Subordinate Authority, and remove all known grievances.

And accordingly do declare and publish to all the world,
that we are agreed as followeth,

I. That the Supreme Authority of England and the Territories therewith incorporate, shall be and reside henceforward in a Representative of the people consisting of four hundred persons, but no more; in the choice of whom (according to naturall right) all men of the age of one and twenty yeers and upwards (not being servants, or receiving alms, or having served the late King in Arms or voluntary Contributions), shall have their voices; and be capable of being elected to that Supreme Trust those who served the King being disabled for ten years onely.

All things concerning the distribution of the said four hundred Members proportionable to the respective parts of the Nation, the severall places for Election, the manner of giving and taking of Voyces, with all Circumstances of like nature, tending to the compleating and equall proceedings in Elections, as also their Salary, is referred to be settled by this present Parliament, in such sort as the next Representative may be in a certain capacity to meet with safety at the time herein expressed: and such circumstances to be made more perfect by future Representatives.

II. That two hundred of the four hundred Members, and not lesse, shall be taken and esteemed for a competent Representative; and the major Voyces present shall be concluding to this Nation. The place of Session, and choice of a Speaker, with other circumstances of that nature, are referred to the care of this and future Representatives.

III. And to the end all publick Officers may be certainly accountable, and no Factions made to maintain corrupt Interests, no Officer of any salary Forces in Army or Garison, nor any Treasurer or Receiver of publick monies, shall (while such) be elected a Member for any Representative; and if any Lawyer shall at any time be chosen, he shall be incapable of practice as a Lawyer, during the whole time of that Trust. And for the same reason, and that all persons may be capable of subjection as well as rule.

IIII. That no Member of the present Parliament shall be capable of being elected of the next Representative, nor any Member of any future Representative shall be capable of being chosen for the Representative immediately succeeding: but are free to be chosen, one Representative having intervened: Nor shall any member of any Representative be made either Receiver, Treasurer, or other Officer during that employment.

V. That for avoyding the many dangers and inconveniences apparantly arising from the long continuance of the same persons in Authority; We Agree, that this present Parliament shall end the first Wednesday in August next 1649, and thenceforth be of no power or Authority: and in the mean time shall order and direct the Election of a new and equall Representative, according to the true intent of this our Agreement: and so as the next Representative may meet and sit in power and Authority as an effectuall Representative upon the day following; namely the first Thursday of the same August, 1649.

VI. We agree, if the present Parliament shall omit to order such Election or Meeting of a new Representative; or shall by any means be hindered from performance of that Trust:

That in such case, we shall for the next Representative proceed in electing thereof in those places, and according to that manner and number formerly accustomed in the choice of Knights and Burgesses; observing onely the exceptions of such persons from being Electors

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or Elected, as are mentioned before in the first, third, and fourth Heads of this Agreement: It being most unreasonable that we should either be kept from new, frequent and successive Representatives, or that the Supreme Authority should fall into the hands of such as have manifested disaffection to our common Freedom, and endeavoured the bondage of the Nation.

VII. And for preserving the supreme authority from falling into the hands of any whom the people have not, or shall not chuse,

We are resolved and agreed (God willing) that a new Representative shall be upon the first Thursday in August next aforesaid: the ordering and disposing of themselves, as to the choice of a speaker: and the like circumstances, is hereby left to their discretion: but are in the extent and exercise of Power, to follow the direction and rules of this agreement; and are hereby authorised and required according to their best judgements, to set rules for future equall distribution, and election of Members as is herein intended and enjoined to be done, by the present Parliament.

VIII. And for the preservation of the supreme Authority (in all times) entirely in the hands of such persons only as shal be chosen thereunto – we agree and declare: That the next and al future Representatives, shall continue in full power for the space of one whole year: and that the people shall of course, chuse a Parliament once every year, so as all the members thereof may be in a capacity to meet and take place of the foregoing Representative: the first Thursday in every August for ever if God so please; Also (for the same reason) that the next or any future Representative being met, shall continue their Session day by day without intermission for four monthes at the least; and after that shall be at Liberty to adjourn from two months as they shall see cause untill their yeer be expired, but shall sit no longer then a yeer upon pain of treason to every member that shall exceed that time: and in times of adjurnment shall not erect a Councel of State but refer the managing of affairs in the intervals to a Committee of their own members giving such instructions, and publish them, as shall in no measure contradict this agreement.

IX. And that none henceforth may be ignorant or doubtfull concerning the power of the Supreme authority, and of the affairs, about which the same is to be conversant and exercised: we agree and declare, that the power of Representatives shall extend without the consent or concurrence of any other person or persons,

1. To the conservation of Peace and commerce with forrain Nations.
2. To the preservation of those safe guards, and securities of our lives, limbes, liberties, properties, and estates, contained in the Petition of Right, made and enacted in the third year of the late King.

3. To the raising of moneys, and generally to all things as shall be evidently conducing to those ends, or to the enlargement of our freedom, redress of grievances, and prosperity of the Common-wealth.

For security whereof, having by wofull experience found the prevalence of corrupt interests powerfully inclining most men once entrusted with authority, to pervert the same to their own domination, and to the prejudice of our Peace and Liberties, we therefore further agree and declare.

X. That we do not inpower or entrust our said representative to continue in force, or to make any Lawes, Oaths, or Covenants, whereby to compell by penalties or otherwise any person to any thing in or about matters of faith, Religion or Gods worship or to restrain any person from the profession of his faith, or exercise of Religion according to his Conscience, nothing having caused more distractions, and heart burnings in all ages, then persecution and molestation for matters of Conscience in and about Religion:

XI. We doe not impower them to impresse or constraint any person to serve in war by Sea or Land every mans Conscience being to be satisfied in the justness of that cause wherein he hazards his own life, or may destroy an others.

And for the quieting of all differences, and abolishing of all enmity and rancour, as much as is now possible for us to effect.

XII. We agree, That after the end of this present Parliament, no person that be questioned for any thing said or done in reference to the late Warres, or publique differences; otherwise than in pursuance of the determinations of the present Parliament, against such as have adhered to the King against the Liberties of the people: And saving that Accomptants for publick moneys received, shall remain accomptable for the same.

XIII. That all priviledges or exemptions of any persons from the Lawes, or from the ordinary course of Legall proceedings, by vertue of any Tenure, Grant, Charter, Patent, Degree, or Birth, or of any place of residence, or refuge, or priviledge of Parliament, shall be henceforth void and null; and the like not to be made nor revived again.

XIII. We doe not impower them to give judgment upon any ones person or estate, where no Law hath been before provided, nor to give power to any other Court or Jurisdiction so to do, Because where there is no Law there is no transgression, for men or Magistrates to take Cognisance of; neither doe we impower them to intermeddle with the execution of any Law whatsoever.

XV. And that we may remove all long settled Grievances, and thereby as farre as we are able, take away all cause of complaints, and no longer depend upon the uncertain inclination

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of parliaments to remove them, nor trouble our selves or them with Petitions after Petitions, as hath been accustomed, without fruit or benefit; and knowing no cause why any should repine at our removall of them except such as make advantage by their continuance, or are related to some corrupt Interests, which we are not to regard.

We agree and Declare,

XVI. That it shall not be in the power of any Representative to punish, or cause to be punished, any person or persons for refusing to answer to questions against themselves in Criminall causes.

XVII. That it shall not be in their power, after the end of the next Representative, to continue or constitute any proceedings in Law that shall be longer then Six months in the final determination of any cause past all Appeal, nor to continue the Laws or proceedings therein in any other Language then English, nor to hinder any person or persons from pleading their own Causes, or of making use of whom they please to plead for them.

The reducing of these and other the like provisions of this nature in this Agreement provided, and which could not now in all particulars be perfected by us, is intended by us to be the proper works of faithful Representatives.

XVIII. That it shall not be in their power to continue or make any Laws to abridge or hinder any person or persons, from trading or merchandizing into any place beyond the Seas, where any of this Nation are free to Trade.

XIX. That it shall not be in their power to continue Excise or Customs upon any sort of Food, or any other Goods, Wares, or Commodities, longer then four months after the beginning of the next Representative, being both of them extreme burthensome and oppressive to Trade, and so expensive in the Receipt, as the moneys expended therein (if collected as Subsidies have been) would extend very far towards defraying the publick charges; and forasmuch as all Moneys to be raised are drawn from the People; such burthensome and chargeable wayes, shall never more be revived, nor shall they raise Moneys by any other ways (after the aforesaid time) but only by an equal rate in the pound upon every reall and personall estate in the Nation.

XX. That it shall not be in their power to make or continue any Law, whereby mens reall or personall estates, or any part thereof shall be exempted from payment of their debts; or to imprison any person for debt of any nature, it being both unchristian in it self, and no advantage to the Creditors, and both a reproach and prejudice to the Commonwealth.

XXI. That it shall not be in their power to make or continue any Law, for taking away any mans life, except for murther, or other the like hainous offences destructive to humane

Society, or for endeavouring by force to destroy this our Agreement, but shall use their uttermost endeavour to appoint punishments equall to offences: that so mens Lives, Limbs, Liberties, and estates, may not be liable to be taken away upon trivial or slight occasions as they have been; and shall have speciall care to preserve, all sorts of people from wickedness misery and beggery; nor shall the estate of any capitall offender be confiscate but in cases of treason only; and in all other capitall offences recompence shall be made to the parties damnified, as well out of the estate of the Malifactor, as by loss of life, according to the conscience of his jury.

XXII. That it shall not be in their power to continue or make any Law, to deprive any person, in case of Tryals for Life, Limb, Liberty, or Estate, from the benefit of witnesses, on his, or their behalf; nor deprive any person of those priviledges and liberties, contained in the Petition of Right, made in the third yeer of the late King Charls.

XXIII. That it shall not be in their power to continue the Grievance of Tithes, longer than to the end of the next Representative; in which time, they shall provide to give reasonable satisfaction to all Impropriators: neither shall they force by penalties or otherwise any person to pay towards the maintenance of any Ministers, who out of conscience cannot submit thereunto.

XXIV. That it shall not be in their power to impose Ministers upon any the respective Parishes, but shall give free liberty to the parishioners of every particular parish, to chuse such as themselves shall approve; and upon such terms, and for such reward, as themselves shall be willing to contribute, or shall contract for, Provided, none be chusers but such as are capable of electing Representatives.

XXV. That it shal not be in their power, to continue or make a law, for any other way of Judgments, or Conviction of life, limb, liberty, or estate, but onely by twelve sworn men of the Neighborhood; to be chosen in some free way by the people; to be directed before the end of the next Representative, and not picked and imposed, as hitherto in many places they have been.

XXVI. They shall not disable any person from bearing any office in the Common-wealth, for any opinion or practice in Religion, excepting such as maintain the Popes (or other forraign) Supremacy.

XXVII. That it shal not be in their power to impose any publike officer upon any Counties, Hundreds, Cities, Towns, or Borroughs; but the people capable by this Agreement to chuse Representatives, shall chuse all their publike Officers that are in any kinde to administer the Law for their respective places, for one whole yeer, and no longer, and so from yeer to yeer: and this as an especial means to avoyd Factions, and Parties.

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And that no person may have just cause to complain, by reason of taking away the Excise and Customs, we agree.

XXVIII. That the next, and all future Representatives shall exactly keep the publike Faith, and give full satisfaction, for all securities, debts, arrears or damages, (justly chargeable) out of the publike Treasury; and shall confirm and make good all just publike Purchases and Contracts that have been, or shall be made; save that the next Representative may confirm or make null in part or in whole, all gifts of Lands, Moneys, Offices, or otherwise made by the present Parliament, to any Member of the House of Commons, or to any of the Lords, or to any of the attendants of either of them.

And for as much as nothing threateneth greater danger to the Commonwealth, then that the Military power should by any means come to be superior to the Civil Authority.

XXIX. We declare and agree, That no forces shall be raised, but by the Representatives, for the time being; and in raising thereof, that they exactly observe these Rules, namely, That they allot to each particular County, City, Town, and Borough, the raising, furnishing, agreeing, and paying of a due proportion, according to the whole number to be levied; and shall to the Electors of Representatives in each respective place, give Free liberty, to nominate and appoint all Officers appertaining to Regiments, Troops, and Companies, and to remove them as they shall see cause. Reserving to the Representative, the nominating, and appointing onely of the General, and all General-Officers; and the ordering, regulating, and commanding of them all, upon what service shall seem to them necessary for the Safety, Peace, and Freedom of the Common-wealth.

And in as much as we have found by sad experience, That generally men make little or nothing, to innovate in Government, to exceed their time and power in places of trust, to introduce an Arbitrary, and Tyrannical power, and to overturn all things into Anarchy and Confusion, where there are no penalties imposed for such destructive crimes and offences.

XXX. We therefore agree and declare, That it shall not be in the power of any Representative, in any wise, to render up, or give, or take away any part of this Agreement, nor level mens Estates, destroy Propriety, or make all things Common: And if any Representative shall endeavor, as a Representative, to destroy this Agreement, every Member present in the House, not entering or immediately publishing his dissent, shall incur the pain due for High Treason, and be proceeded against accordingly; and if any person or persons, shall by force endeavor or contrive, the destruction thereof, each person so doing shall likewise be dealt withal as in cases of Treason.

And if any person shal by force of Arms disturb Elections of Representatives, he shall incur the penalty of a Riot; and if any person not capable of being an Elector, or Elected, shal intrude themselves amongst those that are, or any persons shall behave themselves rudely and disorderly, such persons shal be liable to a presentment by a grand Inquest and to an indictment upon misdemeanor; and be fined and otherwise punish'd according to the discretion and verdict of a Jury. And all Laws made, or that shall be made contrary to any part of this Agreement, are hereby made null and void.

Thus, as becometh a free People, thankfull unto God for this blessed opportunity, and desirous to make use thereof to his glory, in taking off every yoaik, and removing every burthen, in delivering the captive, and setting the oppressed free; we have in all the particular Heads forementioned, done as we would be done unto, and as we trust in God will abolish all occasion of offence and discord, and produce the lasting Peace and Prosperity of this Common wealth: and accordingly do in the sincerity of our hearts and consciences, as in the presence of Almighty God, give cleer testimony of our absolute agreement to all and every part hereof by subscribing our hands thereunto. Dated the first day of May, in the Yeer of our Lord, 1649.

EXTRACT FROM GERRARD WINSTANLEY, *THE LAW OF FREEDOM IN A PLATFORM*

When the earth was first bought and sold, many gave no consent: as when our crown lands and bishops' lands were sold, some foolish soldiers yielded, and covetous officers were active in it, to advance themselves above their brethren; but many who paid taxes and free-quarter for the purchase of it gave no consent but declared against it as an unrighteous thing, depriving posterity of their birthrights and freedoms.

Therefore this buying and selling did bring in, and still doth bring in, discontent and wars, which have plagued mankind sufficiently for so doing. And the nations of the world will never learn to beat their swords into ploughshares, and their spears into pruning hooks, and leave off warring, until this cheating device of buying and selling be cast out among the rubbish of kingly power.

'But shall not one man be richer than another?'

There is no need of that; for riches make men vain-glorious, proud, and to oppress their brethren; and are the occasions of wars.

No man can be rich, but he must be rich either by his own labours, or by the labours of other men helping him. If a man have no help from his neighbour, he shall never gather an estate of hundreds and thousands a year. If other men help him to work, then are those riches his neighbours' as well as his; for they may be the fruit of other men's labours as well as his own.

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But all rich men live at ease, feeding and clothing themselves by the labours of other men, not by their own; which is their shame, and not their nobility; for it is a more blessed thing to give than to receive. But rich men receive all they have from the labourer's hand, and what they give, they give away other men's labours, not their own. Therefore they are not righteous actors in the earth.

3 Thomas Hobbes (1588–1679)

Hobbes was born in Malmesbury Somerset, the son of an incompetent country clergyman, in 1588. For much of his life he worked in the service of the aristocratic Cavendish family, and in 1647 was appointed mathematical tutor to the exiled Prince of Wales in Paris. During his time as a tutor for the Cavendish family he had the opportunity to travel to Florence, where he met and formed a friendship with Galileo, whose scientific method influenced the construction of *Leviathan*. An advocate of the royalist cause in the years leading up to the English Civil War, Hobbes thought it prudent to leave England in 1640 to avoid persecution by the Parliamentarians. His relationship with the exiled English court was uneasy, as many disliked his apparent atheism. During this period he wrote *De Cive* and *Leviathan* and made important contacts with European philosophers and scientists. He returned to England in 1650 or 1651, making his peace with the Parliamentary regime and re-establishing good relations with King Charles II at the time of the Restoration.

Hobbes, like many thinkers of his time, had wide-ranging philosophical and scientific interests and engaged in lengthy correspondence on geometry and physics. He was regarded as one of the most influential academic political thinkers of his time, although his impact on practical politics is far less clear. Contemporary accounts suggest a good-humoured, charitable man who was happy to put up with quite a lot of banter and baiting in order to get his views across. Aubrey writes;

The witts at court were wont to bayte him. But he feared none of them and would make his part good. The King would call him *the Beare*: Here comes the Beare to be bayted.

(Aubrey 1949: 232)

First published in 1651, *Leviathan* appeared during one of the most turbulent periods of early modern British political history, the English Civil Wars of 1642–9, in which issues of religious doctrine and the power of the monarchy relative to Parliament were inextricably connected. In terms of European politics, it appeared immediately after the Thirty Years' War, which had devastated Germany. These

was combined struggles for political supremacy with struggles concerning the jurisdiction of the Catholic Church. Hobbes's preoccupation with the breakdown of political order can thus be directly related to the English Civil War and to the politico-religious strife that had recently ravaged continental Europe. The general argument of all his political philosophy can be taken to be broadly supportive of hereditary monarchy. Hobbes believed that political stability and civil peace could only be secured within the context of a unitary political authority with a centralised state in which religious affairs were kept under the control of the sovereign.

It is not difficult, therefore, to see that Hobbes would be sympathetic to the Stuart monarchy, a state-sponsored Church and a parliament confined to a purely advisory role. Such doctrines would apparently be congenial to a monarch, particularly one in contention with a rebellious legislature. *Leviathan* was, however, thought to be in many respects offensive to the king and his supporters. The reason for this is to be found in Hobbes's treatment of Church-State relations and in his theology. Hobbes's main concern is that religious practice takes place within a framework set up by the sovereign; within such a framework different forms of Church governance are possible. It follows from this that the State might permit relatively democratic forms of church organisation and even a plurality of organisations. This was anathema to those who supported the primacy of the Church of England and the executive power of its bishops. Hobbes's theology was constructed so as to be as compatible as possible with his materialist outlook, and his account of the Day of Judgement and the afterlife in Part III of *Leviathan* was thought by many of the King's supporters to be quasi-atheistic.

Hobbes is best known for his political theory, but he was a thinker who also made contributions to the sciences and mathematics as well as to metaphysics and the philosophy of mind. *Leviathan* begins as a treatise on materialist metaphysics, from which a political theory is deduced. His political works include, as well as *Leviathan*, *De Cive*, *Elements of Law* and *Behemoth*. The last is an account, in dialogue form, of the course of the English Civil War; it is notable for its fine-grained study of the character and motivation of the participants, and it goes beyond the rather general moral psychology to be found in *Leviathan*. *De Cive* is, in some respects, a clearer outline of his thinking, although there are considerable differences in emphasis between it and *Leviathan* (notably on the interpretation of the laws of nature and in an account of parent-child relations, which does not occur in *Leviathan*). In this work Hobbes also provides a more comprehensive evaluation of different forms of government.

De Homine is a short work, mainly on the philosophy of mind, and *de Corpore*, published in 1655, is a treatise on the body. Other works included a treatise on liberty, necessity and chance, translations of the work of Thucydides and a verse autobiography. Hobbes also wrote on geometrical matters and, very late in life, translated Homer.

Leviathan is the most systematic exposition of his philosophy. It consists of four parts: 'Of Man', 'Of Commonwealth', 'Of a Christian Commonwealth' and 'Of the Kingdom of Darknesse', the last two being rarely read nowadays. The passages

reproduced here are taken from Chapters 17 and 26 of Part II and deal with the contract and the nature of sovereignty on the one hand, and the nature of the law on the other; these chapters expound some of the fundamental elements of Hobbes's political theory. The scope of the book is vast. Hobbes begins with an account of the human mind, including reason and motivation, and moves on to describe the natural state of human beings, from which he deduces a compelling need for them to associate together in political societies. In Part II, he discusses the rights of sovereigns, the nature of law and different kinds of political societies. Part III is concerned with governance in the context of the Christian and Judaic traditions and is concerned, firstly, to show how Hobbes's general and political philosophy is consistent with Christian doctrine and, secondly, to establish the proper nature of the relationship between Church and State. Part IV is principally concerned with errors in the interpretation of Christian doctrine and with a critique of pre-Christian philosophy and theology.

In *Leviathan*, as in his other political writings, Hobbes offers a *contractarian* account of the formation of the state and is, therefore, in an important sense, a precursor of liberal thinking about consent and obligation. His version of the social contract, however, leads to an account of the relationship between state and subject that we would now regard as absolutist, and one which later writers, such as Locke, also regarded as destructive of liberty. We have already seen why the contemporary national and European political situation may have persuaded Hobbes to produce such an account; we must now examine the reasoning in *Leviathan*, which, he thought, made the case for absolutism philosophically compelling.

Hobbes believed that, in the *state of nature*, that is life without any central authority, humans are in perpetual danger from each other and are incapable of living in harmony. Not only do humans seek to preserve their lives and their means of securing those lives, but they exist in a state of continual competition with each other for honour and dignity (unlike social animals such as bees). Since honour is a positional good – that is, one's honour is rated relative to the honour of others, it follows (although Hobbes does not put it in this way) – that competition amongst people is limitless: one person's gain in honour is another's loss. Hence, competition amongst people is unlimited, whereas amongst social animals it is virtually non-existent. This fact of human nature alone accounts for the 'war of all against all' in the state of nature (Chapter 13).

Although in this state people have the *right* to take any measures necessary to defend themselves, yet they recognise *laws of nature* in virtue of their rationality. These laws tell them what they should do in order to preserve their lives. However, they only become fully operative (capable of being followed) when other people also decide to recognise them. The fundamental law states that, in order to preserve peace, a man should lay down the right to all things in nature and 'be contented with as much liberty against other men, as he would allow other men against himselfe' (Chapter 14). This forms the rational basis for putting self-defence on a

secure and permanent footing within a framework of political order. It is achieved through an agreement amongst individuals that they give up all rights and transfer them to an individual who is to keep the peace (Chapter 17). However, given Hobbes's assumption that people are in continual competition with each other for honour, political authority must be absolute. If it were not, then it could not be secure, since competition would arise again, and such a situation would be no improvement on the state of nature. Only if a subject is threatened with death or imprisonment at the hands of the sovereign should he resist the sovereign power.

On the basis of this theory of sovereignty, Hobbes developed a theory of law which allowed the laws of nature to serve as a moral basis for law-making (in line with earlier thinking about the nature of law-making). But this also characterised the legal structure imposed by the state as essentially a series of commands given by the sovereign (who would himself recognise the validity of the laws of nature), backed up by the force that the sovereign had at his disposal after individuals, at the time of the contract, had given up to him their rights to use force (Chapter 26).

It is easy to understand the contemporary political problem that Hobbes thought he was addressing in advocating absolute sovereign power. It is much less easy to accept the plausibility of his assumption concerning human nature that leads to that position. Once it is allowed that continual competition is not our natural lot, the deduction of the need for absolute sovereignty goes as well, and we are instead left with an argument for a more conditional kind of sovereignty, such as that found in the work of Locke.

Hobbes is one of the most important thinkers in the contractarian tradition of accounting for political obligation, and, as such, should be counted as a major influence on the writings of Rousseau and Locke. At first sight, Hobbes is to be distinguished from these later writers by his advocacy of the absolutist nature of the state. His thinking, however, has certain radical aspects. First, he implicitly rejects the patriarchal argument for absolute power, such as that of Filmer. This leaves his account of the state of nature curiously incomplete. On the one hand, he acknowledges in *De Cive* that there are relations of authority and obligation between parents and children, irrespective of the existence of the state. On the other hand, the creation of a contract presupposes that people assemble as equal, isolated social atoms to create the state. If we assume that the state of nature is already, in some sense, a patriarchy, then it is much less easy to accept the genesis of absolute rule as it is described by Hobbes. Locke, too, had problems in reconciling the parent-child relationship with the individual atoms required for contractarian state formation. It could thus be said the case for patriarchy developed by Filmer is as relevant to Hobbes's work as it is to Locke's. Second, although Hobbes has a preference for Monarchy, his main concern is to advocate strong and unitary government, so that dictatorship could equally well serve his purpose. In this sense, Hobbesian doctrine could be used to justify the ruthless and effective usurper of monarchical power, such as Cromwell.

Hobbes's devices of the state of nature and the original contract were taken up by Rousseau and Locke, although not by Hume and Burke. In the work of Locke, these devices are used to justify a conditional and limited form of

government, while in the work of Rousseau they are used to justify small-scale direct democracies, such as city-states. Although Hobbes approaches political issues from a direction quite different from that of subsequent contractarian authors, he is wrestling with the same problem of how to provide a rational justification for political society. In the work of Hobbes, as in other sixteenth- and seventeenth-century writers in the contractarian tradition, the account of the formation of political society is not distinguished from a theoretical justification for certain forms of polity. For these writers, to explain the formation of polities in terms of a contract was also to justify their existence. Only with Hume, following the work of Vico, does one find the foundations of a natural historical political science, in which factual and normative elements are more clearly distinguished than they are in *Leviathan*. It is fair to say, however, that Hobbes is the founder of early modern and contemporary contractarian theorising about the state.

Hobbes's influence on contemporary political theory is enormous. Marxist interpretations, such as that of MacPherson, see him as a theorist of bourgeois moral psychology, and thus of a state erected on bourgeois principles. He is still much discussed within the contractarian tradition by authors such as Gauthier, where his work is given a game-theoretic interpretation.

His command theory of law, mediated through the utilitarian tradition, is still very influential. His account of the ethical foundations of the state, through appeal to the laws of nature, anticipates Kant and therefore the modern Kantian tradition of political thought. It is, however, in his writings on the relationship between religion and politics that Hobbes perhaps has most to say to us on a practical level. To many people, living in a world characterised by political instability and conflict which contains both religious and political elements intermixed, Hobbes should have much to say. He was preoccupied with the relationship between our inner and our political lives and strove to establish proper boundaries between the two, particularly in Part III of *Leviathan*. Paradoxically for an absolutist, he was particularly concerned to place some limits on the role that religion should play in our lives. He regards attempts to convert people from one religion to another as contrary to the laws of nature and holds that, although it is necessary for a sovereign to prescribe and administer a state-approved religion, the sovereign can only expect *orthopraxy* (that is, conformity to religious ceremony), rather than *orthodoxy* (or conformity to established religious doctrine). Whatever one's form of worship, one's religious beliefs are a matter between oneself and God. God, through his abiding interest in humanity flourishing through stable political societies, will not regard non-orthodox worship (if one is compelled to it) as a sin, since in so conforming one preserves civil peace. And, due to God's omnipotence, one cannot lie to Him about one's beliefs.

It is evident from Part III that Hobbes thought that attempts by Christians to convert non-Christians were wrong, and that Christians living in non-Christian polities should adopt the form of worship prescribed by the sovereign, whatever that might be. It also remains a possibility quite consistent with his general political outlook that the sovereign might allow more than one religious doctrine to flourish within the state, provided the authority of the sovereign was unconditionally

recognised. One finds in *Leviathan*, then, in the less-noticed Part III, a sensitive discussion of the relationship between Church and State which is of direct practical relevance to many troubled parts of the world. Hobbes's discussion is even more relevant to contemporary conditions, because he is considering the relationship between religious belief and state power in conditions where the latter is authoritarian rather than democratic in character: a state of affairs which, of course, applies in many parts of the world today.

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EXTRACT FROM THOMAS HOBBS, *LEVIATHAN*

Chapter XVII: Of the Causes, Generation, and Definition of a Commonwealth

The final cause, end, or design of men, who naturally love liberty, and dominion over others, in the introduction of that restraint upon themselves, in which we see them live in commonwealths, is the foresight of their own preservation, and of a more contented life thereby; that is to say, of getting themselves out from that miserable condition of war, which is necessarily consequent, as hath been shown in chapter xiii, to the natural passions of men, when there is no visible power to keep them in awe, and tie them by fear of punishment to the performance of their covenants, and observation of those laws of nature set down in the fourteenth and fifteenth chapters.

For the laws of nature, as *justice, equity, modesty, mercy*, and, in sum, *doing to others, as we would be done to*, of themselves, without the terror of some power, to cause them to be observed, are contrary to our natural passions, that carry us to partiality, pride, revenge, and the like. And covenants, without the sword, are but words, and of no strength to secure a man at all. Therefore notwithstanding the laws of nature, which every one hath then kept, when he has the will to keep them, when he can do it safely, if there be no power erected, or not

great enough for our security; every man will, and may lawfully rely on his own strength and art, for caution against all other men. And in all places, where men have lived by small families, to rob and spoil one another, has been a trade, and so far from being reputed against the law of nature, that the greater spoils they gained, the greater was their honour; and men observed no other laws therein, but the laws of honour; that is, to abstain from cruelty, leaving to men their lives, and instruments of husbandry. And as small families did then; so now do cities and kingdoms which are but greater families, for their own security, enlarge their dominions, upon all pretences of danger, and fear of invasion, or assistance that may be given to invaders, and endeavour as much as they can, to subdue, or weaken their neighbours, by open force, and secret arts, for want of other caution, justly; and are remembered for it in after ages with honour.

Nor is it the joining together of a small number of men, that gives them this security; because in small numbers, small additions on the one side or the other, make the advantage of strength so great, as is sufficient to carry the victory; and therefore gives encouragement to an invasion. The multitude sufficient to confide in for our security, is not determined by any certain number, but by comparison with the enemy we fear; and is then sufficient, when the odds of the enemy is not of so visible and conspicuous moment, to determine the event of war, as to move him to attempt.

And be there never so great a multitude; yet if their actions be directed according to their particular judgments, and particular appetites, they can expect thereby no defence, nor protection, neither against a common enemy, nor against the injuries of one another. For being distracted in opinions concerning the best use and application of their strength, they do not help but hinder one another; and reduce their strength by mutual opposition to nothing: whereby they are easily, not only subdued by a very few that agree together; but also when there is no common enemy, they make war upon each other, for their particular interests. For if we could suppose a great multitude of men to consent in the observation of justice, and other laws of nature, without a common power to keep them all in awe; we might as well suppose all mankind to do the same; and then there neither would be, nor need to be any civil government, or commonwealth at all; because there would be peace without subjection.

Nor is it enough for the security, which men desire should last all the time of their life, they be governed, and directed by one judgment, for a limited time; as in one battle, or one war. For though they obtain a victory by their unanimous endeavour against a foreign enemy; yet afterwards, when either they have no common enemy or he that by one part is held for an enemy, is by another part held for a friend, they must needs by the difference of their interests dissolve, and fall again into a war amongst themselves.

It is true, that certain living creatures, as bees, and ants, live sociably one with another, which are therefore by Aristotle numbered amongst political creatures; and yet have no other direction, than their particular judgments and appetites; nor speech, whereby one of them can signify to another, what he thinks expedient for the common benefit: and therefore some man may perhaps desire to know, why mankind cannot do the same. To which I answer,

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First, that men are continually in competition for honour and dignity, which these creatures are not; and consequently amongst men there ariseth on that ground, envy and hatred, and finally war; but amongst these not so.

Secondly, that amongst these creatures, the common good differeth not from the private; and being by nature inclined to their private, they procure thereby the common benefit. But man, whose joy consisteth in comparing himself with other men, can relish nothing but what is eminent.

Thirdly, that these creatures, having not, as man, the use of reason, do not see, nor think they see any fault, in the administration of their common business; whereas amongst men, there are very many, that think themselves wiser, and abler to govern the public, better than the rest; and these strive to reform and innovate, one this way, another that way; and thereby bring it into distraction and civil war.

Fourthly, that these creatures, though they have some use of voice, in making known to one another their desires, and other affections; yet they want that art of words, by which some men can represent to others, that which is good, in the likeness of evil; and evil, in the likeness of good; and augment, or diminish the apparent greatness of good and evil; discontenting men, and troubling their peace at their pleasure.

Fifthly, irrational creatures cannot distinguish between *injury*, and *damage*; and therefore as long as they be at ease, they are not offended with their fellows: whereas man is then most troublesome, when he is most at ease: for then it is that he loves to shew his wisdom, and control the actions of them that govern the commonwealth.

Lastly, the agreement of these creatures is natural; that of men, is by covenant only, which is artificial: and therefore it is no wonder if there be somewhat else required, besides covenant, to make their agreement constant and lasting; which is a common power, to keep them in awe, and to direct their actions to the common benefit.

The only way to erect such a common power, as may be able to defend them from the invasion of foreigners, and the injuries of one another, and thereby to secure them in such sort, as that by their own industry, and by the fruits of the earth, they may nourish themselves and live contentedly; is, to confer all their power and strength upon one man, or upon one assembly of men, that may reduce all their wills, by plurality of voices, unto one will: which is as much as to say, to appoint one man, or assembly of men, to bear their person; and every one to own, and acknowledge himself to be author of whatsoever he that so beareth their person, shall act, or cause to be acted, in those things which concern the common peace and safety; and therein to submit their wills, every one to his will, and their judgments, to his judgment. This is more than consent, or concord; it is a real unity of them all, in one and the same person, made by covenant of every man with every man, in such manner, as if every man should say to every man, *I authorise and give up my right of governing myself, to this man, or to this assembly of men, on this condition, that thou give up thy right to him, and authorize all his actions in like manner.* This done, the multitude so united in one person, is

called a COMMONWEALTH, in Latin CIVITAS. This is the generation of that great LEVIATHAN, or rather, to speak more reverently, of that mortal god, to which we owe under the immortal God, our peace and defence. For by this authority, given him by every particular man in the commonwealth, he hath the use of so much power and strength conferred on him, that by terror thereof, he is enabled to perform the wills of them all, to peace at home, and mutual aid against their enemies abroad. And in him consisteth the essence of the commonwealth; which, to define it, is *one person, of whose acts a great multitude, by mutual covenants one with another, have made themselves every one the author, to the end he may use the strength and means of them all, as he shall think expedient, for their peace and common defence.*

And he that carrieth this person is called SOVEREIGN, and said to have sovereign power; and every one besides, his SUBJECT. The attaining to this sovereign power is by two ways. One, by natural force; as when a man maketh his children, to submit themselves, and their children to his government, as being able to destroy them if they refuse; or by war subdueth his enemies to his will, giving them their lives on that condition. The other; is when men agree amongst themselves, to submit to some man, or assembly of men, voluntarily, on confidence to be protected by him against all others. This latter, may be called a political commonwealth, or commonwealth by institution; and the former, a commonwealth by acquisition.

[...]

Chapter XXVI: Of Civil Laws

By civil laws, I understand the laws, that men are therefore bound to observe, because they are members, not of this, or that commonwealth in particular, but of a commonwealth. For the knowledge of particular laws belongeth to them, that profess the study of the laws of their several countries; but the knowledge of civil law in general, to any man. The ancient law of Rome was called their *civil law*; from the word *civitas*, which signifies a commonwealth: and those countries, which having been under the Roman empire, and governed by that law, retain still such part thereof as they think fit, call that part the civil law, to distinguish it from the rest of their own civil laws. But that is not it I intend to speak of here; my design being not to show what is law here, and there; but what is law; as Plato, Aristotle, Cicero, and divers others have done, without taking upon them the profession of the study of the law.

And first it is manifest, that law in general, is not counsel, but command; nor a command of any man to any man; but only of him, whose command is addressed to one formerly obliged to obey him. And as for civil law, it addeth only the name of the person commanding, Which is *persona civitatis*, the person of the commonwealth.

Which considered, I define civil law in this manner. CIVIL LAW, *is to every subject, those rules, which the commonwealth hath commanded him by word, writing, or other sufficient*

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sign of the will, to make use of, for the distinction of right, and wrong; that is to say, of what is contrary, and what is not contrary to the rule.

In which definition, there is nothing that is not at first sight evident. For every man seeth, that some laws are addressed to all the subjects in general; some to particular provinces; some to particular vocations; and some to particular men; and are therefore laws, to every of those to whom the command is directed., and to none else. As also, that laws are the rules of just, and unjust; nothing being reputed unjust, that is not contrary to some law. Likewise, that none can make laws but the commonwealth; because our subjection is to the commonwealth only: and that commands, are to be signified by sufficient signs; because a man knows not otherwise how to obey them. And therefore, whatsoever can from this definition by necessary consequence be deduced, ought to be acknowledged for truth. Now I deduce from it this that followeth.

1. The legislator in all commonwealths, is only the sovereign, be he one man, as in a monarchy, or one assembly of men, as in a democracy, or aristocracy. For the legislator is he that maketh the law. And the commonwealth only prescribes, and commandeth the observation of those rules, which we call law: therefore the commonwealth is the legislator. But the commonwealth is no person, nor has capacity to do anything, but by the representative, that is, the sovereign; and therefore the sovereign is the sole legislator. For the same reason, none can abrogate a law made, but the sovereign; because a law is not abrogated, but by another law, that forbiddeth it to be put in execution.
2. The sovereign of a commonwealth, be it an assembly, or one man, is not subject to the civil laws. For having power to make, and repeal laws, he may when he pleaseth, free himself from that subjection, by repealing those laws that trouble him, and making of new; and consequently he was free before. For he is free, that can be free when he will: – nor is it possible for any person to be bound to himself; because he that can bind, can release; and therefore he that is bound to himself only, is not bound.
3. When long use obtaineth the authority of a law, it is not the length of time that maketh the authority, but the will of the sovereign signified by his silence, for silence is sometimes an argument of consent; and it is no longer law, than the sovereign shall be silent therein. And therefore if the sovereign shall have a question of right grounded, not upon his present will, but upon the laws formerly made; the length of time shall bring no prejudice to his right; but the question shall be judged by equity. For many unjust actions, and unjust sentences, go uncontrolled a longer time than any man can remember. And our lawyers account no customs law, but such as are reasonable, and that evil customs are to be abolished. But the judgment of what is reasonable, and of what is to be abolished, belongeth to him that maketh the law, which is the sovereign assembly, or monarch.
4. The law of nature, and the civil law, contain each other, and are of equal extent. For the laws of nature, which consist in equity, justice, gratitude, and other moral virtues on these depending, in the condition of mere nature, as I have said before in the end of the

fifteenth chapter, are not properly laws, but qualities that dispose men to peace and obedience. When a commonwealth is once settled, then are they actually laws, and not before; as being then the commands of the commonwealth; and therefore also civil laws: for it is the sovereign power that obliges men to obey them. For in the differences of private men, to declare, what is equity, what is justice, and what is moral virtue, and to make them binding, there is need of the ordinances of sovereign power, and punishments to be ordained for such as shall break them; which ordinances are therefore part of the civil law. The law of nature therefore is a part of the civil law in all commonwealths of the world. Reciprocally also, the civil law is a part of the dictates of nature. For justice, that is to say, performance of covenant and giving to every man his own is a dictate of the law of nature. But every subject in a commonwealth, hath covenanted to obey the civil law; either one with another, as when they assemble to make a common representative, or with the representative itself one by one, when subdued by the sword they promise obedience, that they may receive life; and therefore obedience to the civil law is part also of the law of nature. Civil, and natural law are not different kinds, but different parts of law; whereof one part being written, is called civil, the other unwritten, natural. But the right of nature, that is, the natural liberty of man, may by the civil law be abridged, and restrained: nay, the end of making laws, is no other, but such restraint; without the which there cannot possibly be any peace. And law was brought into the world for nothing else, but to limit the natural liberty of particular men, in such manner, as they might not hurt, but assist one another, and join together against a common enemy.

5. If the sovereign of one commonwealth, subdue a people that have lived under other written laws and afterwards govern them by the same laws, by which they were governed before; yet those laws are the civil laws of the victor, and not of the vanquished commonwealth. For the legislator is he, not by whose authority the laws were first made, but by whose authority they now continue to be laws. And therefore where there be divers provinces, within the dominion of a commonwealth, and in those provinces diversity of laws, which commonly are called the customs of each several province, we are not to understand that such customs have their force, only from length of time; but that they were anciently laws written, or other wise made known, for the constitutions, and statutes of their sovereigns; and are now laws, not by virtue of the prescription of time, but by the constitutions of their present sovereigns. But if an unwritten law, in all the provinces of a dominion, shall be generally observed, and no iniquity appear in the use thereof; that law can be no other but a law of nature, equally obliging all mankind.
6. Seeing then all laws, written and unwritten have their authority and force, from the will of the commonwealth; that is to say, from the will of the representative; which in a monarchy is the monarch, and in other commonwealths the sovereign assembly; a man

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may wonder from whence proceed such opinions, as are found in the books of lawyers of eminence in several commonwealths, directly, or by consequence making the legislative power depend on private men, or subordinate judges. As for example, *that the common law, hath no controller but the parliament*; which is true only where a parliament has the sovereign power, and cannot be assembled, nor dissolved, but by their own discretion. For if there be a right in any else to dissolve them, there is a right also to control them, and consequently to control their controllings. And if there be no such right, then the controller of laws is not *parliamentum*, but *rex in parlamento*. And where a parliament is sovereign, if it should assemble never so many, or so wise men, from the countries subject to them, for whatsoever cause; yet there is no man will believe, that such an assembly hath thereby acquired to themselves a legislative power. Item, that the two arms of a commonwealth, are *force and justice the first whereof is in the king; the other deposited in the hands of the parliament*. As if a commonwealth could consist, where the force were in any hand, which justice had not the authority to command and govern.

7. That law can never be against reason, our lawyers are agreed; and that not the letter, that is every construction of it, but that which is according to the intention of the legislator, is the law. And it is true: but the doubt is of whose reason it is, that shall be received for law. It is not meant of any private reason; for then there would be as much contradiction in the laws, as there is in the Schools; nor yet, as Sir Edward Coke makes it, *artificial perfection of reason, gotten by long study, observation, and experience*, as his was. For it is possible long study may increase, and confirm erroneous sentences: and where men build on false grounds, the more they build, the greater is the ruin: and of those that study, and observe with equal time and diligence, the reasons and resolutions are, and must remain discordant: and therefore it is not that juris *prudentia*, or wisdom of subordinate judges; but the reason of this our artificial man the commonwealth, and his command, that maketh law: and the commonwealth being in their representative but one person, there cannot easily arise any contradiction in the laws; and when there doth, the same reason is able, by interpretation, or alteration, to take it away. In all courts of justice, the sovereign, which is the person of the commonwealth, is he that judgeth: the subordinate judge, ought to have regard to the reason, which moved his sovereign to make such law, that his sentence may be according thereunto; which then is his sovereign's sentence; otherwise it is his own, and an unjust one.
8. From this, that the law is a command, and a command consisteth in declaration, or manifestation of the will of him that commandeth, by voice, writing, or some other sufficient argument of the same, we may understand, that the command of the commonwealth is law only to those, that have means to take notice of it. Over natural fools, children, or madmen, there is no law, no more than over brute beasts; nor are they capable of the title of just, or unjust; because they had never power to make any

covenant, or to understand the consequences thereof; and consequently never took upon them to authorize the actions of any sovereign, as they must do that make to themselves a commonwealth. And as those from whom nature or accident hath taken away the notice of all laws in general; so also every man, from whom any accident, not proceeding from his own default, hath taken away the means to take notice of any particular law, is excused, if he observe it not: and to speak properly, that law is no law to him. It is therefore necessary, to consider in this place, what arguments, and signs be sufficient for the knowledge of what is the law; that is to say, what is, the will of the sovereign, as well in monarchies, as in other forms of government.

And first, if it be a law that obliges all the subjects without exception, and is not written, nor otherwise published in such places as they may take notice thereof, it is a law of nature. For whatsoever men are to take knowledge of for law, not upon other men's words, but every one from his own reason, must be such as is agreeable to the reason of all men; which no law can be, but the law of nature. The laws of nature therefore need not any publishing, nor proclamation; as being contained in this one sentence, approved by all the world, *Do not that to another; which thou thinkest unreasonable to be done by another to thyself.*

Secondly, if it be a law that obliges only some condition of men, or one particular man, and be not written, nor published by word, then also it is a law of nature; and known by the same arguments, and signs, that distinguish those in such a condition, from other subjects. For whatsoever law is not written, or some way published by him that makes it law, can be known no way, but by the reason of him that is to obey it; and is therefore also a law not only civil, but natural. For example, if the sovereign employ a public minister, without written instructions what to do; he is obliged to take for instructions the dictates of reason; as if he make a judge, the judge is to take notice, that his sentence ought to be according to the reason of his sovereign, which being always understood to be equity, he is bound to it by the law of nature: or if an ambassador, he is, in all things not contained in his written instructions, to take for instruction, that which reason dictates to be most conducing to his sovereign's interest; and so of all other ministers of the sovereignty, public and private. All which instructions of natural reason may be comprehended under one name of *fidelity*; which is a branch of natural justice.

The law of nature excepted, it belongeth to the essence of all other laws, to be made known, to every man that shall be obliged to obey them, either by word, or writing, or some other act, known to proceed from the sovereign authority. For the will of another cannot be understood, but by his own word, or act, or by conjecture taken from his scope and purpose; which in the person of the commonwealth, is to be supposed always consonant to equity and reason. And in ancient time, before letters were in common use, the laws were many times put into verse; that the rude people taking pleasure in singing, or reciting them, might the more easily retain them in memory. And for the same reason Solomon (*Prov. vii. 3*) adviseth a man to bind the

ten commandments upon his ten fingers. And for the law which Moses gave to the people of Israel at the renewing of the covenant (*Deut.* xi. 19), he biddeth them to teach it their children, by discoursing of, it both at home, and upon the way; at going to bed, and at rising from bed; and to write it upon the posts, and doors of their houses; and (*Deut.* xxxi. 12) to assemble the people, man, woman, and child, to hear it read. Nor is it enough the law be written, and published; but also that there be manifest signs, that it proceedeth from the will of the sovereign. For private men, when they have, or think they have force enough to secure their unjust designs, and convoy them safely to their ambitious ends, may publish for laws what they please, without, or against the legislative authority. There is therefore requisite, not only a declaration of the law, but also, sufficient signs of the author and authority. The author, or legislator is supposed in every commonwealth to be evident, because he is the sovereign, who having been constituted by the consent of every one, is supposed by every one to be sufficiently known. And though the ignorance and security of men be such, for the most part, as that when the memory of the first constitution of their commonwealth is worn out, they do not consider, by whose power they used to be defended against their enemies, and to have their industry protected, and to be righted when injury is done them; yet because no man that considers, can make question of it, no excuse can be derived from the ignorance of where the sovereignty is placed. And it is a dictate of natural reason, and consequently an evident law of nature, that no man ought to weaken that power, the protection whereof he hath himself demanded, or wittingly received against others. Therefore of who is sovereign, no man, but by his own fault, (whatsoever evil men suggest) can make any doubt. The difficulty consisteth in the evidence of the authority derived from him; the removing whereof, dependeth on the knowledge of the public registers, public counsels, public ministers, and public seals; by which all laws are sufficiently verified; verified, I say, not authorized: for the verification, is but the testimony and record, not the authority of the law; which consisteth in the command of the sovereign only.

If therefore a man have a question of injury, depending on the law of nature; that is to say, on common equity; the sentence of the judge, that by commission hath authority to take cognizance of such causes, is a sufficient verification of the law of nature in that individual case. For though the advice of one that professeth the study of the law, be useful for the avoiding of contention; yet it is but advice: it is the judge must tell men what is law, upon the hearing of the controversy.

But when the question is of injury, or crime, by the public upon a written law; every man by recourse to the registers, by himself or others, may, if he will, be sufficiently informed, before he do such injury, or commit the crime, whether it be an injury, or not: nay he ought to do so: for when a man doubts whether the act he goeth about, be just, or unjust; and may inform himself, if he will; the doing is unlawful. In like manner, he that supposeth himself injured, in a case determined by the written law, which be may, by himself or others, see and

consider; if he complain before he consults with the law, he does unjustly, and betrayeth a disposition rather to vex other men, than to demand his own right.

If the question be of obedience to a public officer, to have seen his commission, with the public seal and heard it read; or to have had the means to be informed of it if a man would, is a sufficient verification of his authority. For every man is obliged to do his best endeavour, to inform himself of all written laws, that may concern his own future actions.

The legislator known; and the laws, either by writing, or by the light of nature, sufficiently published; there wanteth yet another very material circumstance to make them obligatory. For it is not the letter, but the intendment, or meaning, that is to say, the authentic interpretation of the law (which is the sense of the legislator), in which the nature of the law consisteth; and therefore the interpretation of all laws dependeth on the authority sovereign; and the interpreters can be none but those, which the sovereign, to whom only the subject oweth obedience, shall appoint. For else, by the craft of an interpreter, the law may be made to bear a sense, contrary to that of the sovereign: by which means the interpreter becomes the legislator.

All laws, written, and unwritten, have need of interpretation. The unwritten law of nature, though it be easy to such, as without partiality and passion, make use of their natural reason, and therefore leaves the violators thereof without excuse; yet considering there be very few, perhaps none, that in some cases are not blinded by self-love, or some other passion; it is now become of all laws the most obscure, and has consequently the greatest need of able interpreters. The written laws, if they be short, are easily misinterpreted, from the divers significations of a word, or two: if long, they be more obscure by the divers significations of many words: insomuch as no written law, delivered in few, or many words, can be well understood, without a perfect understanding of the final causes, for which the law was made; the knowledge of which final causes is in the legislator. To him therefore there cannot be any knot in the law, insoluble; either by finding out the ends, to undo it by; or else by making what ends he will, As Alexander did with his sword in the Gordian knot, by the legislative power; which no other interpreter can do.

The interpretation of the laws of nature, in a commonwealth, dependeth not on the books of moral philosophy. The authority of writers, without the authority of the commonwealth, maketh not their opinions law, be they never so true. That which I have written in this treatise, concerning the moral virtues, and of their necessity for the procuring, and maintaining peace, though it be evident truth, is not therefore presently law; but because in all commonwealths in the world, it is part of the civil law. For though it be naturally reasonable; yet it is by the sovereign power that it is law: otherwise, it were a great error, to call the laws of nature unwritten law; whereof we see so many volumes published, and in them so many contradictions of one another, and of themselves.

The interpretation of the law of nature, is the sentence of the judge constituted by the sovereign authority, to hear and determine such controversies, as depend thereon; and consisteth in the application of the law to the present case. For in the act of judicature, the

judge doth no more but consider, whether the demand of the party, be consonant to natural reason, and equity; and the sentence he giveth, is therefore the interpretation of the law of nature; which interpretation is authentic; not because it is his private sentence; but because he giveth it by authority of the sovereign, whereby it becomes the sovereign's sentence; which is law for that time, to the parties pleading.

But because there is no judge subordinate, nor sovereign, but may err in a judgment of equity; if afterward in another like case he find it more consonant to equity to give a contrary sentence, he is obliged to do it. No man's error becomes his own law; nor obliges him to persist in it. Neither, for in like cases becomes it a law to other judges, though sworn to follow it. For though a wrong sentence given by authority of the sovereign, if he know and allow it, in such laws as are mutable, be a constitution of a new law, in cases, in which every little circumstance is the same; yet in laws immutable, such as are the laws of nature, they are no laws to the same or other judges, in the like cases for ever after. Princes succeed one another; and one judge passeth, another cometh; nay, heaven and earth shall pass; but not one tittle of the law of nature shall pass; for it is the eternal law of God. Therefore all the sentences of precedent judges that have ever been, cannot altogether make a law contrary to natural equity: nor any examples of former judges, can warrant an unreasonable sentence, or discharge the present judge of the trouble of studying what is equity, in the case he is to judge, from the principles of his own natural reason. For example sake, it is against the law of nature, to punish the innocent; and innocent is he that acquitteth himself judicially, and is acknowledged for innocent by the judge. Put the case now, that a man is accused of a capital crime, and seeing the power and malice of some enemy, and the frequent corruption and partiality of judges, runneth away for fear of the event, and afterwards is taken, and brought to a legal trial, and maketh it sufficiently appear, he was not guilty of the crime, and being thereof acquitted, is nevertheless condemned to lose his goods; this is a manifest condemnation of the innocent. I say therefore, that there is no place in the world, where this can be an interpretation of a law of nature, or be made a law by the sentences of precedent judges, that had done the same. For he that judged it first, judged unjustly; and no injustice can be a pattern of judgment to succeeding judges. A written law may forbid innocent men to fly, and they may be punished for flying; but that flying for fear of injury, should be taken for presumption of guilt, after a man is already absolved of the crime judicially, is contrary to the nature of a presumption, which hath no place after judgment given. Yet this is set down by a great lawyer for the common law of England. *If a man, saith he, that is innocent, be accused of felony, and for fear flyeth for the same; albeit he judicially acquitteth himself of the felony; yet if it be found that he fled for the felony, he shall notwithstanding his innocency, forfeit all his goods, chattels, debts, and duties. For as to the forfeiture of them, the law will admit no proof against the presumption in law, grounded upon his flight.* Here you see, *an innocent man judicially acquitted, notwithstanding his innocency,* when no written law forbad him to fly, after his acquittal, *upon a presumption in law,* condemned to lose all the goods he hath.

If the law ground upon his flight a presumption of the fact, which was capital, the sentence ought to have been capital: if the presumption were not of the fact, for what then ought he to lose his goods? This therefore is no law of England; nor is the condemnation grounded upon a presumption of law, but upon the presumption of the judges. It is also against law, to say that no proof shall be admitted against a presumption of law. For all judges, sovereign and subordinate, if they refuse to hear proof, refuse to do justice; for though the sentence be just, yet the judges that condemn without hearing the proofs offered, are unjust judges; and their presumption is but prejudice; which no man ought to bring with him to the seat of justice, whatsoever precedent judgments, or examples he shall pretend to follow. There be other things of this nature, wherein men's judgments have been perverted, by trusting to precedents: but this is enough to show, that though the sentence of the judge, be a law to the party pleading, yet it is no law to any judge, that shall succeed him in that office.

In like manner, when question is of the meaning of written laws, he is not the interpreter of them, that writeth a commentary upon them. For commentaries are commonly more subject to cavil, than the text; and therefore need other commentaries; and so there will be no end of such interpretation. And therefore unless there be an interpreter authorized by the sovereign, from which the subordinate judges are not to recede, the interpreter can be no other than the ordinary judges, in the same manner, as they are in cases of the unwritten law; and their sentences are to be taken by them that plead, for laws in that particular case; but not to bind other judges, in like cases to give like judgments. For a judge may err in the interpretation even of written laws; but no error of a subordinate judge, can change the law, which is the general sentence of the sovereign.

In written laws, men used to make a difference between the letter, and the sentence of the law and when by the letter, is meant whatsoever can be gathered from the bare words, it is well distinguished. For the significations of almost all words, are either in themselves, or in the metaphorical use of them, ambiguous; and may be drawn in argument, to make many senses; but there is only one sense of the law. But if by the letter, be meant the literal sense, then the letter, and the sentence or intention of the law, is all one. For the literal sense is that, which the legislator intended, should by the letter of the law be signified. Now the intention of the legislator is always supposed to be equity – for it were a great contumely for a judge to think otherwise of the sovereign. He ought therefore, if the word of the law do not fully authorize a reasonable sentence, to supply it with the law of nature; or if the case be difficult, to respite judgment till he have received more ample authority. For example, a written law ordaineth, that he which is thrust out of his house by force, shall be restored by force: it happens that a man by negligence leaves his house empty, and returning is kept out by force, in which case there is no special law ordained. It is evident that this case is contained in the same law: for else there is no remedy for him at all; which is to be supposed against the intention of the legislator. Again, the word of the law commandeth to judge according to the

evidence: a man is accused falsely of a fact, which the judge himself saw done by another, and not by him that is accused. In this case neither shall the letter of the law be followed to the condemnation of the innocent, nor shall the judge give sentence against the evidence of the witnesses; because the letter of the law is to the contrary: but procure of the sovereign that another be made judge, and himself witness. So that the incommmodity that follows the bare words of a written law, may lead him to the intention of the law, whereby to interpret the same the better; though no incommmodity can warrant a sentence against the law. For every judge of right, and wrong is not judge of what is commodious, or incommodious to the commonwealth.

The abilities required in a good interpreter the law, that is to say, in a good judge, are not the same with those of an advocate; namely the study of the laws. For a judge, as he ought to take notice of the fact, from none but the witnesses; so also he ought to take notice of the law from nothing but the statutes, and constitutions of the sovereign, alleged in the pleading, or declared to him by some that have authority from the sovereign power to declare them; and need not take care beforehand, what he shall judge; for it shall be given him what he shall say concerning the fact, by witnesses; and what he shall say in point of law, from those that shall in their pleadings show it, and by authority interpret it upon the place. The Lords of parliament in England were judges, and most difficult causes have been heard and determined by them; yet few of them were much versed in the study of the laws, and fewer had made profession of them: and though they consulted with lawyers, that were appointed to be present there for that purpose; yet they alone had the authority of giving sentence. In like manner, in the ordinary trials of right, twelve men of the common people, are the judges, and give sentence, not only of the fact, but of the right; and pronounce simply for the complainant, or for the defendant; that is to say, are judges, not only of the fact, but also of the right: and in a question of crime, not only determine whether done, or not done; but also whether it be *murder, homicide, felony, assault*, and the like, which are determinations of law: but because they are not supposed to know the law of themselves, there is one that hath authority to inform them of it, in the particular case they are to judge of. But yet if they judge not according to that he tells them, they are not subject thereby to any penalty; unless it be made appear, that they did it against their consciences, or had been corrupted by reward.

The things that make a good judge, or good interpreter of the laws, are, first, *a right understanding* of that principal law of nature called equity; which depending not on the reading of other men's writings, but on the goodness of a man's own natural reason, and meditation, is presumed to be in those most, that have had most leisure, and had the most inclination to meditate thereon. Secondly, contempt of *unnecessary riches, and preferments*. Thirdly, *to be able in judgment to divest himself of all fear, anger, hatred, love, and compassion*. Fourthly, and lastly, *patience to hear; diligent attention in hearing; and memory to retain, digest and apply what he hath heard*.

The difference and division of the laws, have been made in divers manners, according to the different methods, of those men that have written of them. For it is a thing that dependeth

not on nature, but on the scope of the writer; and is subservient to every man's proper method. In the Institutions of Justinian, we find seven sorts of civil laws:

1. *The edicts, constitutions, and epistles of the prince*, that is, of the emperor; because the whole power of the people was in him. Like these, are the proclamations of the kings of England.
2. *The decrees of the whole people of Rome*, comprehending the senate, when they were put to the question by the senate. These were laws, at first, by the virtue of the sovereign power residing in the people; and such of them as by the emperors were not abrogated, remained laws, by the authority imperial. For all laws that bind, are understood to be laws by his authority that has power to repeal them. Somewhat like to these laws, are the acts of parliament in England.
3. *The decrees of the common people*, excluding the senate, when they were put to the question by the tribune of the people. For such of them as were not abrogated by the emperors, remained laws by the authority imperial. Like to these, were the orders of the House of Commons in England.
4. *Senatus consulta*, the *orders of the senate*; because when the people of Rome grew so numerous, as it was inconvenient to assemble them; it was thought fit by the emperor, that men should consult the senate, instead of the people; and these have some resemblance with the acts of council.
5. *The edicts of praetors*, and in some cases of *aediles*: such as are the chief justices in the courts of England.
6. *Responsa prudentum*; which were the sentences, and opinion of those lawyers, to whom the emperor gave authority to interpret the law, and to give answer to such as in matter of law demanded their advice; which answers, the judges in giving judgment were obliged by the constitutions of the emperor to observe: and should be like the reports of cases judged, if other judges be by the law of England bound to observe them. For the judges of the common law of England, are not properly judges, but *juris consulti*; of whom the judges, who are either the lords, or twelve men of the country, are in point of law to ask advice.
7. Also, *unwritten customs*, which in their own nature are an imitation of law, by the tacit consent of the emperor, in case they be not contrary to the law of nature, are very laws.

Another division of laws, is into *natural* and *positive*. Natural are those which have been laws from all eternity; and are called not only *natural*, but also *moral* laws; consisting in the moral virtues, as justice, equity, and all habits of the mind that conduce to peace, and charity; of which I have already spoken in the fourteenth and fifteenth chapters.

Positive, are those which have not been from eternity; but have been made laws by the will of those that have had the sovereign power over others; and are either written, or made known to men, by some other argument of the will of their legislator.

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Again, of positive laws some are *human*, some *divine*; and of human positive laws, some are *distributive*, some *penal*. *Distributive* are those that determine the rights of the subjects, declaring to every man what it is, by which he acquireth and holdeth a propriety in lands, or goods, and a right or liberty of act on: and these speak to all the subjects. *Penal* are those, which declare, what penalty shall be inflicted on those that violate the law; and speak to the ministers and officers ordained for execution. For though every one ought to be informed of the punishments ordained beforehand for their transgression; nevertheless the command is not addressed to the delinquent, who cannot be supposed will faithfully punish himself, but, to public ministers appointed to see the penalty executed. And these penal laws are for the most part written together with the laws distributive; and are sometimes called judgments. For all laws are general judgments, or sentences of the legislator; as also every particular judgment, is a law to him, whose case is judged.

Divine positive laws (for natural laws being eternal, and universal, are all divine), are those, which being the commandments of God, not from all eternity, nor universally addressed to all men, but only to a certain people, or to certain persons, are declared for such, by those whom God hath authorized to declare them. But this authority of man to declare what be these positive laws of God, how can it be known? God may command a man by a supernatural way, to deliver laws to other men. But because it is of the essence of law, that he who is to be obliged, be assured of the authority of him that declareth it, which we cannot naturally take notice to be from God, *how can a man without supernatural revelation be assured of the revelation received by the declarer? and how can he be bound to obey them?* For the first question, how a man can be assured of the revelation of another, without a revelation particularly to himself, it is evidently impossible. For though a man may be induced to believe such revelation, from the miracles they see him do, or from seeing the extraordinary sanctity of his life, or from seeing the extraordinary wisdom, or extraordinary felicity of his actions, all which are marks of God's extraordinary favour; yet they are not assured evidences of special revelation. Miracles are marvellous works: but that which is marvellous to one, may not be so to another. Sanctity may be feigned; and the visible felicities of this world, are most often the work of God by natural, and ordinary causes. And therefore no man can infallibly know by natural reason, that another has had a supernatural revelation of God's will; but only a belief; every one, as the signs thereof shall appear greater or lesser, a firmer or a weaker belief.

But for the second, how can he be bound to obey them; it is not so hard. For if the law declared, be not against the law of nature, which is undoubtedly God's law, and he undertake to obey it, he is bound by his own act; bound I say to obey it, but not bound to believe it: for men's belief, and interior cogitations, are not subject to the commands, but only to the operation of God, ordinary, or extraordinary. Faith of supernatural law, is not a fulfilling, but only an assenting to the same; and not a duty that we exhibit to God, but a gift which God freely giveth to whom he pleaseth; as also unbelief is not a breach of any of his laws; but a rejection of them all, except the laws natural. But this that I say, will be made yet clearer, by

the examples and testimonies concerning this point in holy Scripture. The covenant God made with Abraham, in a supernatural manner, was thus, (*Gen. xvii. 10*) *This is the covenant which thou shalt observe between me and thee and thy seed after thee.* Abraham's seed had not this revelation, nor were yet in being; yet they are a party to the covenant, and bound to obey what Abraham should declare to them for God's law; which they could not be, but in virtue of the obedience they owed to their parents; who, if they be subject to no other earthly power, as here in the case of Abraham, have sovereign power over their children and servants.

Again, where God saith to Abraham, *In thee shall all nations of the earth be blessed; for I know thou wilt command thy children, and thy house after thee to keep the way of the Lord, and to observe righteousness and judgment,* it is manifest, the obedience of his family, who had no revelation, depended on their former obligation to obey their sovereign. At Mount Sinai Moses only went up to God; the people were forbidden to approach on pain of death; yet they were bound to obey all that Moses declared to them for God's law. *Upon what ground, but on this submission of their own, Speak thou to us, and we will hear thee; but let not God speak to us, lest we die?* By which two places it sufficiently appeareth, that in a commonwealth, a subject that has no certain and assured revelation particularly to himself concerning the will of God, is to obey for such, the command of the commonwealth: for if men were at liberty, to take for God's commandments, their own dreams and fancies, or the dreams and fancies of private men; scarce two men would agree upon what is God's commandment; and yet in respect of them, every man would despise the commandments of the commonwealth. I conclude therefore, that in all known to be things not contrary to the moral law, that is to say, to the law of nature, all subjects are bound to obey that for divine law, which is declared to be so, by the laws of the commonwealth. Which also is evident to any man's reason; for whatsoever is not against the law of nature, may be made law in the name of them that have the sovereign power; and there is no reason men should be the less obliged by it, when it is propounded in the name of God. Besides, there is no place in the world where men are permitted to pretend other commandments of God, than are declared for such by the commonwealth. Christian states punish those that revolt from the Christian religion, and all other states, those that set up any religion by them forbidden. For in whatsoever is not regulated by the commonwealth, it is equity, which is the law of nature, and therefore an eternal law of God, that every man equally enjoy his liberty.

There is also another distinction of laws, into *fundamental* and *not fundamental* but I could never see in any author, what a fundamental law signifieth. Nevertheless one may very reasonably distinguish laws in that manner.

For a fundamental law in every commonwealth is that, which being taken away, the commonwealth faileth, and is utterly dissolved; as a building whose foundation is destroyed. And therefore a fundamental law is that, by which subjects are bound to uphold whatsoever, power is given to the sovereign, whether a monarch, or a sovereign assembly, without which the commonwealth cannot stand; such as is the power of war and peace, of judicature, of

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election of officers, and of doing whatsoever he shall think necessary for the public good. Not fundamental is that, the abrogating whereof, draweth not with it the dissolution of the commonwealth; such as are the laws concerning controversies between subject and subject. Thus much of the division of laws.

I find the words *lex civilis*, and *jus civile*, that is to say *law* and *right civil*, promiscuously used for the same thing, even in the most learned authors; which nevertheless ought not to be so. For *right* is *liberty*, namely that liberty which the civil law leaves us: but *civil law* is an *obligation*, and takes from us the liberty which the law of nature gave us. Nature gave a right to every man to secure himself by his own strength, and to invade a suspected neighbour, by way of prevention: but the civil law takes away that liberty, in all cases where the protection of the law may be safely stayed for. Insomuch as *lex* and *jus*, are as different as obligation and liberty.

Likewise *laws* and *charters* are taken promiscuously for the same thing. Yet charters are donations of the sovereign; and not laws, but exemptions from law. The phrase of a law is, *jubeo, injungo, I command* and *enjoin*: the phrase of a charter is, *dedi, concessi, I have given, I have granted*: but what is given or granted, to a man, is not forced upon him, by a law. A law may be made to bind all the subjects of a commonwealth: a liberty, or charter is only to one man, or some one part of the people. For to say all the people of a commonwealth, have liberty in any case whatsoever, is to say, that in such case, there hath been no law made; or else having been made, is now abrogated.

4 John Locke (1632–1704)

Locke was born the son of a moderately prosperous family of Puritan and Parliamentary sympathies. His father was a Captain in the Parliamentary armies who had recently risen to gentle rank, largely by the exertion of Locke's grandfather, Nicholas. In his later life Locke had sufficient income from the family estates to live the life of a gentleman.

After schooling at Westminster, Locke went on to Christchurch, Oxford, in 1652, and he remained as a lecturer there until removed – by Royal order – in 1684. Part of the reason for this act of enmity on the part of Charles II was Locke's association with Anthony Ashley Cooper (later to become first Earl of Shaftesbury) which began in 1667. Shaftesbury was a Whig grandee opposed to the policies of Charles II and active in the attempts to prevent the accession of Charles' Roman Catholic brother James. As an intimate of Shaftesbury, Locke was at the heart of English politics of the time and a target for the suspicion and resentment of the Stuart monarchy. He was suspected of being the author of a pamphlet *A Letter from a Person of Quality to his Friend in the Country*, which infuriated the government, and it may be that this suspicion drove him into exile in France in 1675. On returning to England in 1679 he also returned to Shaftesbury's household. It is probable that the *Two Treatises of Government* were written between Locke's return from his first period of exile and the time he fled again – this time to Holland – because of his relationship with those involved in the Rye House plot on the life of Charles II in 1683. By this time Shaftesbury was dead, and Locke did not return to England until the success of the Glorious Revolution of 1688 and the deposition of James II. Locke spent the remainder of his life in the Masham household, north of London and, because his side had won, was employed by the government as Commissioner of Appeals and Commissioner for Trade. These political appointments and his intellectual eminence ensured a busy life until his death in 1704.

Establishing a historical and political context for Locke's *Two Treatises of Government* is one of the problems of Locke scholarship. The work was published anonymously and in an incomplete form in 1689, and Locke did not own it during his lifetime. It used to be assumed that the work was a justification, after the fact, for the Revolution of 1688, and that the main focus of the Second Treatise was the work of Thomas Hobbes. Recently, however, this view has been overturned (see

introductory matter to Locke [1689] 1960; Laslett 1988), and it is now thought that the *Two Treatises* were written between 1679 and 1682. However, the order of their writing is still unclear (see Laslett 1988: addendum to Introduction). *The First Treatise* is a sustained attack upon the argument for the divine rights of kings as put forward by Filmer in his *Patriarcha* (written in 1630s but not published until 1680), but whether this was written before or after *The Second Treatise* is still a matter of dispute (see Laslett 1988, *loc. cit.*). The second, and more important, treatise contains sections and sentences which seem to be directed at Hobbes (see especially II, 93, and its last part):

As if when Men quitting a State of Nature entered into Society, they agreed that all of them but one, should be under the restrains of laws, but that he should still retain all the Liberty of the State of Nature, increased with Power, and made licentious with Impunity. This is to think Men are so foolish that they take care to avoid what Mischiefs may be done to them by Pole Cats, or Foxes, but are content, nay think it safety, to be devoured by Lions.

However, it may be that even here Locke is dealing with the implications of Filmer's doctrines. Because of Locke's caution and habitual secrecy – traits which were necessary in a country in which one of Locke's circle, Algernon Sydney, was executed in 1683 for broadcasting views not far removed from Locke's – it is likely that we will never be able to place his major political work definitively. And it is probable that we will not be able to discover the wider influences on that work. There is evidence that he was familiar with Milton's political arguments, and it has been suggested that he was influenced by Leveller theories (but see Aylmer 1998), but such things remain the stuff of speculation. What is clear, however, is that Locke's works, both the *Two Treatises* and *A Letter Concerning Toleration*, were not the efforts of an intellectual spectator of political events, but rather attempts by a political insider to alter the practical politics of his day.

John Locke's ideas, especially as put forward in *The Second Treatise*, are some of the most important contributions to thought about liberal democracy. This is not necessarily because Locke's analysis and arguments are always compelling in detail – they are often far from this – but because Locke saw clearly what the problems were and provided lines of enquiry for addressing them. Whilst there continues to be argument about Locke's precise influence upon such events as the American War of Independence and the French Revolution of 1789 (see Lloyd Thomas 1995) it is clearly the case that participants in these events did see Locke's general position as nourishing their radical, liberal, democratic republicanism.

Locke, like Hobbes, begins his *Second Treatise*, with a consideration of 'the state of nature' – and thus continues a political tradition that goes back, at least, to the Roman writer Seneca. But Locke's conception of a state of nature is very different from that of Hobbes. Life in such a state is not of necessity 'nasty, brutish and short', although it is likely to be, at least upon occasion, inconvenient. In such a state people are equal and free, but such equality and freedom has to be managed

within a Law of Nature which, mediated by Reason, comes from God. So, for example, no one in such a state may destroy themselves, nor may they legitimately harm another in 'his Life, Health, Liberty, or Possessions', because this would offend against the fact that they are God's equally created creatures. And, just as people in such a state have a right to preserve their own lives, liberty and possessions, they also have the right to defend those of others, if these are threatened.

However, although this provides a moral framework which gives people, even those without government, the right to restrain and punish aggressors, it still is not enough to circumvent the inconveniences of the natural state. Such inconveniences result from the fact that, even under God's law, there will be well-intentioned conflicts of interest – where individuals or groups think they have rights which are disputed by other individuals or groups – and there can be no neutral judge to decide between the disputants. And, although people in such a state are deemed to be rational, human nature is such that they are unlikely to be impartial where there own interests are concerned. So we get in Locke the extremely influential thought that one of the roles of government is exactly to fill the place of a neutral referee between disputing interest groups.

But Locke is not merely interested in providing an account of the movement from state of nature to political society. He is also concerned to use that account as a criticism of the perversions of civil society that he saw as typical of the Stuart monarchy. Thus, if people wish to move from a state of nature to a civil society they will not agree to such a move if it leaves them worse off than they were in the previous state. (It may be that Locke thought that, in some ways, they could not make such a move, because this would involve the negation of the Law of Nature, and such a negation is morally impossible.) But arbitrary government, which tries, for instance, to raise money from the people without their consent, or which tries to prevent the meetings of the legislature (i.e. Parliament) which lie at the heart of civil society, must in fact make the people worse off.

Locke extends this treatment when he deals, in Chapter XIV, with that favourite instrument of the last Stuart kings, Royal Prerogative. Here he argues that, whereas acts outside the law (e.g. pulling down someone's house to prevent fire spreading from the house next door) may occasionally be justified by reference to the public good, it is precisely such a reference that must inform all proper acts of prerogative; without this reference, prerogative becomes arbitrary absolutism, which no reasonable people could possibly sanction. (At the end of this chapter Locke attaches a very pointed reference to a failure to call Parliament, and argues that such a failure might lead to legitimate rebellion.)

Locke has been accused, rather unconvincingly, of being simply a mouthpiece for the seventeenth-century ruling classes (see MacPherson 1962, but also Tully 1980 and Dunn 1984). However, whatever the justice of this claim, it is possible that the modern-day student of politics reading Locke might question his radicalism. However one interprets his notion of property, Locke does seem intent on providing a defence of secure possession of material goods, and he seems unmoved by the fact that the few might amass money or its substitutes. He seems untroubled

by the fact of slavery, even though his notion of natural law might be interpreted to make it immoral, and, with the vast majority of his contemporaries, he seems to look at acquisition of lands in the Americas with equanimity. However, even though all this may be true, it ignores Locke's purposes and the context of the time. Locke is concerned to address specific political evils in an immediate situation. It is certain that between 1679 and 1683 he was actively involved in matters to do with the exclusion of James II from the succession that were almost certainly treasonable. In the year before his removal from Oxford, the University ordered the last burning of books in the history of England, and many of the doctrines that were declared anathema were already included in *the Two Treatises*. Lastly, Sydney whose views were similar to Locke's, was executed both for these views and for his participation in the activities of Locke's circle. To put oneself in the way of losing one's head is usually a fair mark of the radical.

Locke is one of the mainstream writers of liberal democratic thought. As was said above, we do not precisely know whether he studied the works of Milton and the Levellers, but he must have been aware of the burden of their thought, at least in general. He certainly knew the work of Hobbes and, although he rejected both Hobbes's psychology and his pretension to turn political thought into the mode of geometry or mathematics, Locke's debt to Hobbes is enormous. However, Locke added to Hobbes's thought something which is almost entirely lacking in the original, and that is the dimension of practical policy. Partly because of their association with the successful revolution of 1688, and partly because of Locke's fame as a philosopher and the author of *An Essay Concerning Human Understanding*, Locke's political ideas continued to be studied. We know that they had a direct influence on Madison in his drafting of the Federalist Papers and the Constitution, and we can reasonably suspect that, at least in outline, his ideas were familiar to those who brought about the French Revolution. Paine's ideas concerning natural rights and civil society may also be traced back to Locke. When we come to the nineteenth century and the Utilitarians, we come not only to thinkers who have internalised some of Locke's doctrines but also to theorists who have adopted his methods. With Bentham and John Stuart Mill, as with Locke, one can hear their appeal to common sense.

Just as Locke's philosophical relevance has been kept alive by books, such as, Mackie's *Problems from Locke*; his political relevance has been highlighted by contemporary political theorising. John Rawls's *A Theory of Justice*, which rekindled modern political philosophy, makes use of a version of both state-of-nature and contract theory that might have been recognisable to Locke and tries to argue for a liberal society which might have been congenial to him. On the other hand, one of Rawls's most powerful critics, Nozick in *Anarchy, State and Utopia*, presents a very different picture of a liberal, political reality but, again, both implicitly and explicitly – in his account of justly owned property – appeals to Lockean thought and insights. Both the power of Locke's thought and the frustration of trying to untangle its intricacies are long likely to remain with us.

Locke begins his explanation of how we move from a state of nature to civil society in Chapter VIII (which follows). But before that, in Chapter V (which also

follows), he puts forward his famous views on 'property'. Whilst these are influential and much discussed (see Nozick 1974), what is not usually discussed is the reason why Locke, in an essay primarily concerned with the bases of legitimate government and the right of rebellion, raises issues concerned with property at all. Again, the answer to this is probably found in the political context of the time – especially if, following the scholarship of the moment, we think the *Two Treatises* were produced in 1679–82. Charles II attempted to raise taxes without calling Parliament. Such an attempt embodies a view of the sovereign's right to the property of the nation, and Locke's chapter on property is best seen as an attempt to deny this right (see Lloyd Thomas 1995). (This, and other chapters, explain why Locke thought it wise to go into exile on the demise of his protector, Shaftesbury).

The last part of *The Second Treatise* is an extended defence of the right of rebellion against a ruler who acts in a non-legitimate manner. Practically, for the next century, it was probably the most influential part of Locke's political writings. In theoretical terms, however, it has received little attention. Locke's arguments here are as incomplete as elsewhere. So, for instance, it is unclear whether he thinks that minorities within a nation have the right of rebellion or whether he believes that, even if they do have such a right, it is liable to be ineffectual. Locke essentially gives four grounds for legitimate rebellion: firstly, if a government is failing to enforce the law of nature; secondly, if a government fails to further the common good; thirdly, if a government loses the trust of its people; fourthly, if a government fails to act within the limits of positive law (Locke's further reasons seem to derive from this last reason). Whether they are well argued or not, there is little reason to doubt the appeal of such ideas to those involved in the American and French Revolutions.

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EXTRACT FROM JOHN LOCKE, *TWO TREATISES OF GOVERNMENT*

Chapter V: Of Property

Whether we consider natural *Reason*, which tells us, that Men, being once born, have a right to their Preservation, and consequently to Meat and Drink, and such other things, as Nature affords for their Subsistence: Or *Revelation*, which gives us an account of those Grants God made of the World to *Adam*, and to Noah, and his Sons, 'tis very clear, that God, as *King David* says, *Psal. CXV. xvj. has, given the Earth to the Children of Men* given it to Mankind in common. But this being supposed, it seems to some a very great difficulty, how any one should ever come to have a *Property* in any thing: I will not content my self to answer, That if it be difficult to make out *Property*, upon a supposition, that God gave the World to *Adam* and his Posterity in common; it is impossible that any Man, but one universal Monarch, should have any *Property*; upon a supposition, that God gave the World to Adam, and his Heirs in Succession, exclusive of all the rest of his Posterity. But I shall endeavour to shew, how Men might come to have a *property* in several parts of that which God gave to Mankind in common, and that without any express Compact of all the Commoners.

God, who hath given the World to Men in common, hath also given them reason to make use of it to the best advantage of Life, and convenience. The Earth, and all that is therein, is given for the Support and Comfort of their being. And though all the Fruits it naturally produces, and Beasts it feeds, belong to Mankind in common, as they are produced by the spontaneous hand of Nature; and no body has originally a private Dominion, exclusive of the rest of Mankind, in any of them, as they are thus in their natural state: yet being given for the use of Men there must of necessity, be a means to *appropriate* them some way or other before they can be of any use, or at all beneficial to any particular Man. The Fruit, or Venison, which nourishes the wild *Indian*, who knows no Inclosure, and is still a Tenant in common, must he his, and so his, i.e. a part of him, that another can no longer have any right to it, before it can do him any good for the support of his Life.

Though the Earth, and all inferior Creatures be common to all Men, yet every Man has a *Property* in his own *Person*. This no Body has any Right to but himself. The *Labour* of his Body, and the *Work* of his Hands, we may say, are properly his. Whatsoever then he removes

out of the State that Nature hath provided, and left it in, he hath mixed his *Labour* with, and joyned to it something that is his own, and thereby makes it his *Property*. It being by him removed from the common state Nature placed it in, it hath by this *labour* something annexed to it, that excludes the common right of other Men. For this *Labour* being the unquestionable Property of the Labourer, no Man but he can have a right to what that is once joyned to, at least where there is enough, and as good left in common for others.

He that is nourished by the Acorns he pickt up under an Oak, or the Apples he gathered from the Trees in the Wood, has certainly appropriated them to himself. No Body can deny but the nourishment is his. I ask then, When did they begin to be his? When he digested? Or when he eat? Or when he boiled? Or when he brought them home? Or when he pickt them up? And 'tis plain, if the first gathering made them not his, nothing else could. That *labour* put a distinction between them and the common. That added something to them more than Nature, the common Mother of all, had done; and so they became his private right. And will any one say he had no right to those Acorns or Apples he thus appropriated, because he had not the consent of all Mankind to make them his? Was it a Robbery thus to assume to himself what belonged to all in Common? If such a consent as that was necessary, Man had starved, notwithstanding the Plenty God had given him. We see in *Commons*, which remain so by Compact, that 'tis the taking any part of what is common, and removing it out of the state Nature leaves it in, which *begins the Property*; without which the Common is of no use. And the taking of this or that part, does not depend on the express consent of all the Commoners. Thus the Grass my Horse has bit; the Turfs my Servant has cut; and the Ore I have digg'd in any place where I have a right to them in common with others, become my *Property*, without the assignation or consent of any body. The *labour* that was mine, removing them out of that common state they were in, hath *fixed my Property* in them.

By making an explicit consent of every Commoner necessary to any ones appropriating to himself any part of what is given in common, Children or Servants could not cut the Meat which their Father or Master had provided for them in common, without assigning to every one his peculiar part. Though the Water running in the Fountain be every ones, yet who can doubt, but that in the Pitcher is his only who drew it out? His *labour* hath taken it out of the hands of Nature, where it was common, and belong'd equally to all her Children, and *hath* thereby *appropriated* it to himself.

Thus this Law of reason makes the Deer, that *Indian's* who hath killed it; 'tis allowed to be his goods who hath bestowed his labour upon it, though before, it was the common right of everyone. And amongst those who are counted the Civiliz'd part of Mankind, who have made and multiplied positive laws to determine Property, this original Law of Nature for the *beginning of Property*, in what was before common, still takes place; and by vertue thereof, what Fish any one catches in the Ocean, that great and still remaining Common of Mankind; or what Ambergriese any one takes up here, is by the *Labour* that removes it out of that common state Nature left it in, *made his Property* who takes that pains about it. And even

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amongst us the Hare that any one is Hunting, is thought his who pursues her during the Chase. For being a Beast that is still looked upon as common, and no Man's private Possession; whoever has employ'd so much *labour* about any of that kind, as to find and pursue her, has thereby removed her from the state of Nature, wherein she was common, and hath *begun a Property*.

It will perhaps be objected to this, That if gathering the Acorns, or other Fruits of the Earth, etc. makes a right to them, then any one may *ingross* as much as he will. To which I Answer, Not so. The same Law of Nature that does by this means give us Property does also *bound* that Property too. *God has given us all things richly*, i Tim. vi. I 7. is the Voice of Reason confirmed by Inspiration. But how far has he given it us? *To enjoy*. As much as any one can make use of to any advantage of life before it spoils; so much he may by his labour fix a Property in. Whatever is beyond this, is more than his share, and belongs to others. Nothing was made by God for Man to spoil or destroy. And thus considering the plenty of natural Provisions there was a longtime in the World, and the few spenders, and to how small a part of that provision the industry of one Man could extend itself, and ingross it to the prejudice of others; especially keeping within the *bounds*, set by reason of what might serve for his *use*; there could be then little room for Quarrels or Contentions about Property establish'd.

But the *chief matter of Property* being now not the Fruits the Earth, and the Beasts that subsist on it, but the *Earth itself*; as that which takes in and carries with it all the rest: I think it is plain that *Property* in that too is acquired as the former. *As much* Land as a Man Tills, Plants, Improves. Cultivates, and can use the Product of, so much is his *Property*. He by his Labour does, as it were, inclose it from the Common. Nor will it invalidate his right to say, Every body else has an equal Title to it; and therefore he cannot appropriate, he cannot inclose, without the Consent of all his Fellow-Commoners, all Mankind. God, when he gave the World in common to all Mankind, commanded Man also to labour, and the penury of his Condition required it of him. God and his Reason commanded him to subdue the Earth i.e. improve it for the benefit of Life, and therein lay out something upon it that was his own, his labour. He that in Obedience to this Command of God subdued, tilled and sowed any part of it, thereby annexed to it something that was his *Property*, which another had no Title to, nor could without injury take from him.

Nor was this *appropriation* of any parcel of *Land*, by improving it, any prejudice to any other Man, since there was still enough, and as good left; and more than the yet unprovided could use. So that in effect, there was never the less left for others because of his inclosure for himself. For he that leaves as much as another can make use of does as good as take nothing at all. No Body could think himself injur'd by the drinking of another Man, though he took a good Draught, who had a whole River of the same Water left him to quench his thirst. And the Case of Land and Water, where there is enough of both, is perfectly the same.

God gave the World to Men in Common; but since he gave them for their benefit, and the greatest Conveniencies of Life they were capable to draw from it, it cannot be supposed he

meant it should always remain common and uncultivated. He gave it to the use of the Industrious and Rational (and *Labour* was to be *his Title* to it;) not to the Fancy or Covetousness of the Quarrelsome and Contentious. He that had as good left for his Improvement, as was already taken up, needed not complain, ought not to meddle with what was already improved by another's Labour. If he did, 'tis plain he desired the benefit of another's Pains, which he had no right to, and not the Ground which God had given him in common with others to labour on, and whereof there was as good left, as that already possessed, and more than he knew what to do with, or his Industry could reach to.

'Tis true, in *Land* that is *common* in *England*, or any other Country, where there is Plenty of People under Government, who have Money and Commerce, no one can inclose or appropriate any part, without the consent of all his Fellow-Commoners: Because this is left common by Compact i.e. by the Law of the Land, which is not to be violated. And though it be Common, in respect of some Men, it is not so to all Mankind; but is the joint property of this Country, or this Parish. Besides, the remainder, after such inclosure, would not be as good to the rest of the Commoners as the whole was, when they could all make use of the whole: whereas in the beginning and first peopling of the great Common of the World, it was quite otherwise. The Law Man was under, was rather for *appropriating*. God Commanded, and his Wants forced him to *labour*: That was his *Property* which could not be taken from him where-ever he had fixed it. And hence subduing or cultivating the Earth, and having Dominion, we see are joyned together. The one gave Title to the other. So that God, by commanding to subdue, gave Authority so far to *appropriate*. And the Condition of Humane Life, which requires Labour and Materials to work on, necessarily introduces *private Possessions*.

The measure of Property Nature has well set, by the Extent of *Mens Labour, and the Conveniency of Life*: No Mans Labour could subdue, or appropriate all nor could his Enjoyment consume more than a small part; so that it was impossible for any Man, this way, to intrench upon the right of another, or acquire, to himself, a Property, to the Prejudice of his Neighbour, who would still have room, for as good, and as large a Possession (after the other had taken out his) as before it was appropriated. This *measure* did confine every Man's *Possession*, to a very moderate Proportion, and such as he might appropriate to himself, without Injury to any Body in the first Ages of the World, when Men were more in danger to be lost, by wandering from their Company, in the then vast Wilderness of the Earth, than to be straitned for want of room to plant in. And the same *measure* may be allowed still, without prejudice to any Body, as full as the World seems. For supposing a Man, or Family, in the state they were, at first peopling of the World by the Children of *Adam*, or *Noah*; let him plant in some in-land, vacant places of *America*, we shall find that the *Possessions* he could make himself upon the *measures* we have given, would not be very large, nor, even to this day, prejudice the rest of Mankind, or give them reason to complain, or think themselves injured by this Man's Incroachment, though the Race of Men have now spread themselves to all the corners of the World, and do infinitely exceed the small number [which] was at the beginning. Nay, the extent of *Ground* is of so little value, *without labour*; that I have heard it affirmed, that in

Spain itself, a Man may be permitted to plough, sow, and reap, without being disturbed, upon Land he has no other Title to, but only his making use of it. But, on the contrary, the Inhabitants think themselves beholden to him, who, by his Industry on neglected, and consequently waste Land, has increased the stock of Corn, which they wanted. But be this as it will, which I lay no stress on; This I dare boldly affirm, That the same *Rule of Property*, that every Man should have as much as he could make use of, would hold still in the World, without straitning any body, since there is Land enough in the World to suffice double the Inhabitants had not the *Invention of Money*, and the tacit Agreement of Men to put a value on it, introduced (by Consent) larger Possessions, and a Right to them; which, how it has done, I shall, by and by, shew more at large.

This is certain, That in the beginning, before the desire of having more than Men needed, had altered the intrinsic value of things, which depends only on their usefulness to the Life of Man; or [Men] *had agreed, that a little piece of yellow, Metal*, which would keep without wasting or decay, should be worth a great piece of Flesh, or a whole heap of Corn; though Men had a Right to appropriate, by their Labour, each one to himself, as much of the things of Nature, as he could use: Yet this could not be much, nor to the Prejudice of others, where the same plenty was left, to those who would use the same Industry. To which let me add, that he who appropriates land to himself by his labour, does not lessen but increase the common stock of mankind. For the provisions serving to the support of humane life, produced by one acre of inclosed and cultivated land, are (to speak much within compasse) ten times more, than those, which are yielded by an acre of Land, of an equal richness, lying wast in common. And therefor he, that incloses Land and has a greater plenty of the conveniencys of life from ten acres, than he could have from an hundred left to Nature, may truly be said, to give ninety acres to Mankind. For his labour now supplys him with provisions out of ten acres, which were but the product of an hundred lying in common. I have here rated the improved land very low in making its product but as ten to one, when it is much nearer an hundred to one. For I aske whether in the wild woods and uncultivated wast of America left to Nature, without any improvement, tillage or husbandry, a thousand acres will Yield the needy and wretched inhabitants as many conveniencies of life as ten acres of equally fertile land doe in Devonshire where they are well cultivated?

Before the Appropriation of Land, he who gathered as much of the wild Fruit, killed, caught, or tamed, as many of the Beasts he could; he that so employed his Pains about any of the spontaneous Products of Nature, as any way to alter them, from the state which Nature put them in, *by placing any of his Labour on them, did thereby acquire a Propriety* in them: But if they perished in his Possession without their due use; if the Fruits rotted, or the Venison putrified before he could spend it he offended against the common Law of Nature,

and was liable to be punished; he invaded his Neighbour's share, for he had *no Right, farther than his Use* called for any of them and they might serve to afford him Conveniencies of Life.

The same *measures* governed the *Possession of land* too: Whatsoever he tilled and reaped, laid up and made use of, before it spoiled, that was his peculiar Right; whatsoever he enclosed, and could feed, and make use of, the Cattle and Product was also his. But if either the Grass of his Enclosure rotted on the Ground, or the Fruit of his planting perished without gathering, and laying up, this part of the Earth, notwithstanding his Inclosure, was still to be looked on as Waste, and might be the Possession of any other. Thus, at the beginning, *Cain* might take as much Ground as he could till, and make it his own Land, and yet leave enough to *Abel's* Sheep to feed on; a few Acres would serve for both their Possessions. But as Families increased, and Industry enlarged their Stocks, their *Possessions enlarged* with the need of them; but yet it was commonly *without any fixed property in the ground* they, made use of, till they incorporated, settled themselves together, and built Cities, and then, by consent, they came in time, to set out the *bounds of their distinct Territories*, and agree on limits between them and their Neighbours, and by Laws within themselves, settled the *Properties* of those of the same Society. For we see, that in that part of the World which was first inhabited, and therefore like to be best peopled, even as low down as *Abraham's* time, they wandred with their Flocks, and their Herds, which was their substance, freely up and down, and this *Abraham* did, in a Country where he was a Stranger. Whence it is plain, that at least, a great part of the *Land lay in common*; that the Inhabitants valued it not, nor claimed Property in any more than they made use of. But when there was not room enough in the same place, for their Herds to feed together, they, by consent, as *Abraham* and *Lot* did, Gen. xi. 5. separated and enlarged their pasture, where it best liked them. And for the same Reason *Esau* went from his Father, and his Brother, and planted in *Mount Seir*, Gen. xxxvi. 6.

And thus, without supposing any private Dominion, and property in *Adam*, over all the *World*, exclusive of all other Men, which can no way be proved, nor any ones Property be made out from it; but supposing the World given as it was to the Children of Men *in common*, we see how *labour* could make Men distinct titles to several parcels of it, for their private uses; wherein there could be no doubt of Right, no room for quarrel.

Nor is it so strange, as perhaps before consideration it may appear, that the *Property of labour* should be able to over-balance the Community of Land. For 'tis *Labour* indeed that *puts the difference of value on every thing*; and let any one consider, what the difference is between an Acre of Land planted with Tobacco, or Sugar, sown with Wheat or Barley; and an Acre of the same Land lying in common, without any Husbandry upon it, and he will find, that the improvement of *labour makes* the far greater part of the value. I think it will be but a very modest Computation to say, that of the *Products* of the Earth useful to the Life of Man $\frac{9}{10}$ are *the effects of labour*: nay, if we will rightly estimate things as they come to our use, and cast up the several Expences about them, what in them is purely owing to *Nature* and what to *labour*; we shall find, that in most of them $\frac{99}{100}$ are wholly to be put on the account

of *labour*. There cannot be a clearer demonstration of any thing, than several Nations of the *Americans* are of this, who are rich in Land, and poor in all the Comforts of Life; whom Nature having furnished as liberally as any other people, with the materials of Plenty, i.e. a fruitful Soil, apt to produce in abundance, what might serve for food, rayment, and delight; yet for want of improving it by labour, have not one hundredth part of the Conveniencies we enjoy: And a King of a large and fruitful Territory there feeds, lodges and is clad worse than a day Labourer in *England*.

To make this a little clearer, let us but trace some of the ordinary provisions of Life, through their several progresses, before they come to our use, and see how much they receive of *their value from Humane Industry*. Bread, Wine and Cloth, are things of daily use, and great plenty, yet notwithstanding, Acorns, Water, and Leaves, or Skins, must be our Bread, Drink and Clothing, did not *labour* furnish us with these more useful Commodities. For whatever *Bread* is more worth than Acorns, *Wine* than Water, and *Cloth* or *Silk* than Leaves, Skins, or Moss, that is wholly *owing to labour* and industry. The one of these being the Food and Rayment which unassisted Nature furnishes us with; the other provisions which our industry and pains prepare for us, which how much they exceed the other in value, when any one hath computed, he will then see, how much *labour makes the far greater part of the value* of things, we enjoy in this World: And the ground which produces the materials, is scarce to be reckon'd in, as any, or at most, but a very small, part of it; So little, that even amongst us, Land that is left wholly to Nature, that hath no improvement of Pasturage, Tillage, or Planting, is called as indeed it is, *wast*; and we shall find the benefit of it amount to little more than nothing. This shews, how much numbers of men are to be prefer'd to largeness of dominions, and that the increase of lands and the right employin of them is the great art of government. And that Prince who shall be so wise and godlike as by established laws of liberty to secure protection and encouragement to the honest industry of Mankind against the oppression of power and narrowness of Party will quickly be too hard for his neighbours. But this bye the bye. To return to the argument in hand.

An Acre of Land that bears here Twenty Bushels of Wheat, and another in *America*, which, with the same Husbandry, would do the like, are, without doubt, of the same natural, intrinsick Value. But yet the Benefit Mankind receives from the one, in a Year, is worth 5*L* and from the other possibly not worth a Penny, if all the Profit an Indian received from it were to be valued, and sold here; at least, I may truly say, not $\frac{1}{1000}$. 'Tis *Labour* then which *puts the greater part of Value upon, Land* without which it would scarcely be worth any thing: 'tis to that we owe the greatest part of all its useful Products: for all that the Straw, Bran, Bread, of that Acre of Wheat, is more worth than the Product of an Acre of as good Land, which lies wast, is all the Effect of Labour. For 'tis not barely the Plough-man's Pains, the Reaper's and Thresher's Toil, and the Bakers Sweat, is to be counted into the *Bread* we eat; the Labour of those who broke the Oxen, who digged and wrought the Iron and Stones, who felled and framed the Timber employed about the Plough, Mill, Oven, or any other Utensils, which are a vast Number, requisite to this Corn, from its being seed to be sown to its being made Bread,

must all be *charged on* the account of *Labour*; and received as an effect of that: Nature and the Earth furnished only the almost worthless Materials, as in themselves. 'Twould be a strange *Catalogue of things, that Industry provided and made use of, about every Loaf of Bread*, before it came to our use, if we could trace them; Iron, Wood, Leather, Bark, Timber, Stone, Bricks, Coals, Lime, Cloth, Dying-Drugs, Pitch, Tar, Masts, Ropes, and all the Materials made use of in the Ship, that brought any of the Commodities made use of by any of the Workmen, to any part of the Work, all which, 'twould be almost impossible, at least too long, to reckon up.

From all which it is evident, that though the things of Nature are given in common, yet Man (by being Master of himself, and *Proprietor of his own Person*, and the Actions or *Labour* of it) had still in himself *the great Foundation of Property*; and that which made up the great part Of what he applyed to the Support or Comfort of his being when Invention and Arts had improved the conveniencies of Life, was perfectly his own, and did not belong in common to others.

Thus *Labour*, in the Beginning, *gave a Right of Property*, where-ever any one was pleased to imploy it, upon what was common, which remained, a long while, the far greater part, and is Yet more than Mankind makes use of. Men, at first, for the most part, contented themselves with what un-assisted Nature offered to their Necessities: and though afterwards, in some parts of the World, (where the Increase of People and Stock, with the *Use of Money*) had made Land scarce, and so of some Value, the several *Communities* settled the Bounds of their distinct Territories, and by Laws within themselves, regulated the Properties of the private Men of their Society, and so by *Compact* and Agreement, *settled the Property* which Labour and Industry began; and the Leagues that have been made between several States and Kingdoms, either expressly or tacitly disowning all Claim and Right to the Land in the others Possession, have, by common Consent, given up their Pretences to their natural common Right, which originally they had to those Countries, and so have, *by positive Agreement, settled a Property*, amongst themselves, in distinct Parts and parcels of the Earth: yet there are still *great Tracts of Ground* to be found, which (the Inhabitants thereof not having joyned with the rest of Mankind, in the consent of the Use of their common Money) *lie waste*, and are more than the People, who dwell on it, do, or can make use of, and so still lie in common. Tho' this can scarce happen amongst that part of Mankind, that have consented to the Use of Money.

The greatest part of *things really useful* to the Life of Man, and such as the necessity of subsisting made the first Commoners of the World look after, as it doth the *Americans* now, *are* generally things of *short duration*; such as, if they are not consumed by use will decay and perish of themselves: Gold, Silver, and Diamonds are things, that Fancy or Agreement hath put the Value on, more then real Use, and the necessary Support of Life. Now of those good things which Nature hath provided in common, every one had a Right (as hath been said) to as much as he could use, and had a Property in all that he could affect with his Labour: all that his Industry could extend to, to alter from the State Nature had put it in, was his. He that *gathered* a Hundred Bushels of Acorns or Apples, had thereby a *Property* in them; they were

his Goods as soon as gathered. He was only to look that he used them before they spoiled; else he took more than his share, and robbed others. And indeed it was a foolish thing, as well as dishonest, to hoard up more than he could make use of. If he gave away a part to any body else, so that it perished not uselessly in his Possession, these he also made use of. And if he also bartered away Plumbs that would have rotted in a Week, for Nuts that would last good for his eating a whole Year, he did no injury; he wasted not the common Stock; destroyed no part of the portion of Goods that belonged to others so long as nothing perished uselessly in his hands. Again if he would give his Nuts for a piece of Metal, pleased with its colour; or exchange his Sheep for Shells, or Wool for a sparkling Pebble or a Diamond, and keep those by him all his Life, he invaded not the Right of others, he might heap up as much of these durable things as he pleased; *the exceeding of the bounds of his just Property* not lying in of his Possession, but the perishing of any thing uselessly in it.

And thus *came in the use of Money*, some lasting thing that Men might keep without spoiling, and that by mutual consent Men would take in exchange for the truly useful, but perishable Supports of Life.

And as different degrees of Industry were apt to give Men Possessions in different Proportions, so this *Invention of Money* gave them the opportunity to continue and enlarge them. For supposing an Island, separate from all possible Commerce with the rest of the World, wherein there were but a hundred Families, but there were Sheep, Horses and Cows, with other useful Animals, wholesome Fruits, and Land enough for Corn for a hundred thousand times as many, but nothing in the Island, either because of its Commonness, or Perishableness, fit to supply the place of *Money*: What reason could any one have there to enlarge his Possessions beyond the use of his Family, and a plentiful supply to its Consumption, either in what their own Industry produced, or they could barter for like perishable, useful Commodities, with others? Where there is not something both lasting and scarce, and so valuable to be hoarded up, there Men will not be apt to enlarge their *Possessions of Land*, were it never so rich, never so free for them to take. For I ask, what would a Man value Ten Thousand, or an Hundred Thousand Acres of excellent *Land*, ready cultivated, and well stocked too with Cattle, in the middle of the in-land Parts of *America*, where he had no hopes of Commerce with other Parts of the World, to draw *Money* to him by the Sale of the Product? It would not be worth the inclosing, and we should see him give up again to the wild Common of Nature, whatever was more than would supply the Conveniencies of Life to be had there for him and his Family.

Thus in the beginning all the World was *America*, and more so than that is now; for no such thing as *Money* was any where known. Find out something that hath the *Use and Value of Money* amongst his Neighbours, you shall see the same Man will begin presently to *enlarge his Possessions*.

But since Gold and Silver, being little useful to the Life of Man in proportion to Food, Rayment, and Carriage, has its *value* only from the consent of Men, whereof Labour yet makes, in great part, *the measure*, it is plain, that Men have agreed to disproportionate and unequal Possession of the Earth, they having by a tacit and voluntary consent found out a

way, how a man may fairly possess more land than he himself can use the product of, by receiving in exchange for the overplus, Gold and Silver, which may be hoarded up without injury to any one, these Metalls not spoiling or decaying in the hands of the possessor. This partage of things, in an inequality of private possessions, men have made practicable out of the bounds of Societie, and without compact, only by putting a value on gold and silver and tacitly agreeing in the use of Money. For in Governments the Laws regulate the right of property, and the possession of land is determined by positive constitutions.

And thus, I think, it is very easy to conceive without any difficulty, *how Labour could at first begin a title of Property* in the common things of Nature, and how the spending it upon our uses bounded it. So that there could then be no reason of quarrelling about Title, nor any doubt about the largeness of Possession it gave. Right and conveniency went together; for as a Man had a Right to all he could imploy his Labour upon, so he had no temptation to labour for more than he could make use of. This left no room for Controversie about the Title, nor for Incroachment on the Right of others; what Portion a Man carved to himself, was easily seen; and it was useless as well as dishonest to carve himself too much, or take more than he needed.

Chapter VIII: Of the Beginning of Political Societies

Men being, as has been said, by Nature, all free, equal and independent, no one can be put out of this Estate, and subjected to the Political Power of another, without his own *Consent*. The only way whereby any one divests himself of his Natural Liberty, and *puts on the bonds of Civil Society* is by agreeing with other Men to joyn and unite into a Community, for their comfortable, safe, and peaceable living one amongst another, in a secure Enjoyment of their Properties, and a greater Security against any that are not of it. This any number of Men may do, because it injures not the Freedom of the rest; they are left as they were in the Liberty of the State of Nature. When any number of Men have so *consented to make one Community* or Government, they are thereby presently incorporated, and make one *Body Politick*, wherein the *Majority* have a Right to act and conclude the rest.

For when any number of Men have, by the consent of every individual, made a *Community*, they have thereby made that Community one Body, with a Power to Act as one Body, which is only by the will and determination of the *majority*. For that which acts any Community, being only the consent of the individuals of it, and it being necessary to that which is one body to move one way; it is necessary the Body should move that way whither the greater force carries it, which is the *consent of the majority*: or else it is impossible it should act or continue one Body, *one Community*, which the consent of every individual that united into it, agreed that it should; and so every one is bound by that consent to be concluded by the *majority*. And therefore we see that in Assemblies impowered to act by positive Laws where no number is set by that positive Law which impowers them, the *act of the Majority*

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passes for the act of the whole, and of course determines, as having by the Law of Nature and Reason, the power of the whole.

And thus every Man, by consenting with others to make one Body Politick under one Government, puts himself under an Obligation to every one of that Society, to submit to the determination of the *majority*, and to be concluded by it; or else this *original Compact*, whereby he with others incorporates into *one Society*, would signifie nothing, and be no Compact, if he be left free, and under no other ties, than he was in before in the State of Nature. For what appearance would there be of any Compact? What new Engagement if he were no farther tied by any Decrees of the Society, than he himself thought fit, and did actually consent to? This would be still as great a liberty, as he himself had before his Compact, or any one else in the State of Nature hath, who may submit himself and consent to any acts of it if he thinks fit.

For if *the consent of the majority* shall not in reason, be received, as *the act of the whole*, and conclude every individual; nothing but the consent of every individual can make any thing to be the act of the whole: But such a consent is next impossible ever to be had, if we consider the Infirmities of Health, and Avocations of Business, which in a number, though much less than that of a Commonwealth, will necessarily keep many away from the publick Assembly. To which if we add the variety of Opinions, and contrariety of Interests, which unavoidably happen in all Collections of Men, the coming into Society upon such terms, would be only like *Cato's* coming into the Theatre, only to go out again. Such a Constitution as this would make the mighty *Leviathan* of a shorter duration, than the feeblest Creatures; and not let it out last the day it was born in: which cannot be suppos'd, till we can think, that Rational Creatures should desire and constitute Societies only to be dissolved. For where the *majority* cannot conclude the rest, there they cannot act as one Body, and consequently will be immediately dissolved again.

Whosoever therefore out of a state of Nature unite, into a *Community*, must be understood to give up all the power, nessessary to the ends for which they unite into Society, to the *majority* of the Community, unless they expressly agreed in any number greater than the majority. And this is done by barely agreeing *to unite into one Political Society*, which is all the Compact that is, or needs be, between the Individuals, that enter into, or make up a *Commonwealth*. And thus that, which begins and actually *constitutes any Political Society*, is nothing but the consent of any number of Freemen capable of a majority to unite and incorporate into such a Society. And this is that, and that only, which did, or could give *beginning* to any *lawful Government* in the World.

To this I find two Objections made.

First, *That there are no Instances to be found in Story of a Company of Men independent and equal one amongst another; that met together, and in this way began and set up a Government.*

Secondly, *'Tis impossible of right that Men should do so, because all Men being born under Government, they are to submit to that, and are not at liberty to begin a new one.*

To the first there is this to Answer. That it is not at all to be wonder'd, that *History* gives us but a very little account of Men, *that lived together in the State of Nature*. The inconveniencies of that condition, and the love, and want of Society no sooner brought any number of them together, but they presently united and incorporated, if they designed to continue together. And if we may not suppose *Men* ever to have been in *the State of Nature*, because we hear not much of them in such a State, we may as well suppose the Armies of *Salmannasser*, or *Xerxes* were never Children, because we hear little of them, till they were Men, and imbodyed in Armies. Government is every where antecedent to Records, and Letters seldom come in amongst a People, till a long continuation of Civil Society has, by other more necessary Arts provided for their Safety, Ease, and Plenty. And then they begin to look after the History of their *Founders*, and search into their *original*, when they have out-lived the memory of it. For 'tis with *Common-wealths* as with particular Persons, they are *commonly ignorant of their own Births and Infancies*: And if they know any thing of their *Original*, they are beholding, for it, to the accidental Records, that others have kept of it. And those that we have, of the beginning of any Polities in the World, excepting that of the *Jews*, where God himself immediately interpos'd, and which favours not at all Paternal Dominion, are all either plain instances of such a beginning, as I have mentioned, or at least have manifest footsteps of it.

He must shew a strange inclination to deny evident matter of fact, when it agrees not with his Hypothesis, who not allow that the beginning of *Rome* and *Venice* were by the uniting together of several Men free and independent one of another, amongst whom there was no natural Superiority or Subjection. And if *Josephus Acosta's* word may be taken, he tells us, that in many parts of *America* there was no Government at all. *There are great and apparent Conjectures*, says he, *that these Men*, speaking of those of *Peru*, *for a long time, had neither Kings nor Commonwealths but lived in Troops, as they do today in Florida*, the *Cheriquanas*, *those of Bresil*, and many other Nations, *which have no certain Kings, but as occasion is offered in Peace or War, they choose their Captains as they please*, L. 1. c. 25. If it be said, that every Man there was born subject to his Father, or the head of his Family. That the subjection due from a Child to a Father, took not away his freedom of uniting into what Political Society he thought fit, has been already proved. But be that as it will these Men, 'tis evident, were actually *free*; and whatever superiority some Politicians now would place in any of them, they themselves claimed it not; but by consent were all *equal*, till by the same consent they set Rulers over themselves. So that their *Politick Societies* all *began* from a voluntary Union, and the mutual agreement of Men freely acting in the choice of their Governours, and forms of Government.

And I hope those who went away from *Sparta* with *Palantus*, mentioned by *Justin* L. 3. c. 4 will be allowed to have been *Freemen independent* one of another, and to have set up a Government over themselves, by their own consent. Thus I have given several Examples out of History, of *People free and in the State of Nature*, that being met together incorporated and *began a Common-wealth*. And if the want of such instances be an argument to prove that *Government* were not, nor could not be so *begun*, I suppose the Contenders for Paternal

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Empire were better let it alone, than urge it against natural Liberty. For if they can give so many instances out of History, of *Governments begun* upon Paternal Right, I think (though at best an Argument from what has been, to what should of right be, has no great force) one might, without any great danger, yield them the cause. But if I might advise them in the Case, they would do well not to search too much in to the *Original of Governments*, as they have begun *de facto*, lest they should find at the foundation of most of them, something very little favourable to the design they promote, and such a power as they contend for.

But to conclude, Reason being plain on our side, that Men are naturally free, and the Examples of History shewing, that the *Governments* of the World, that were begun in Peace, had their beginning laid on that foundation, and were *made by the Consent of the People*; There can be little room for doubt, either where the Right is, or what has been the Opinion, or Practice of Mankind, about *the first erecting of Governments*.

I will not deny, that if we look back as far as History will direct us, towards the *Original of Common-wealths*, we shall generally find them under the Government and Administration of one Man. And I am also apt to believe, that where a Family was numerous enough to subsist by it self, and continued entire together, without mixing with others, as it often happens, where there is much Land and few People, the Government commonly began in the Father. For the Father having, by the Law of Nature, the same Power with every Man else to punish, as he thought fit, any Offences against that Law, might thereby punish his transgressing Children even when they were Men, and out of their Pupilage; and they were very likely to submit to his punishment, and all joyn with him against the Offender, in their turns, giving him thereby power to Execute his Sentence against any transgression, and so in effect make him the Law-maker, and Governour over all, that remained in Conjunction with his Family. He was fittest to be trusted; Paternal affection secured their Property, and Interest under his Care, and the Custom of obeying him, in their Childhood, made it easier to submit to him, rather than to any other. If therefore they must have one to rule them, as Government is hardly to be avoided amongst Men that live together; who so likely to be the Man, as he that was their common Father; unless Negligence, Cruelty, or any other defect of Mind, or Body made him unfit for it? But when either the Father died, and left his next Heir for want of Age, Wisdom, Courage, or any other Qualities, less fit for Rule: or where several Families met, and consented to continue together: There, 'tis not to be doubted, but they used their natural freedom, to set up him, whom they judged the ablest, and most likely, to Rule well over them. Conformable hereunto we find the People of *America*, who (living out of the reach of the Conquering Swords, and spreading domination of the two great Empires of *Peru* and *Mexico*) enjoy'd their own natural freedom, though, *caeteris paribus*, they commonly prefer the Heir of their deceased King; yet if they find him any way weak, or incapable, they pass him by and set up the stoutest and bravest Man for their Ruler.

Thus, though looking back as far as Records give us any account of Peopling the World,

and the History of Nations, we commonly find the *Government* to be in one hand, yet it destroys not that, which I affirm, (*viz*) That *the beginning of Politick Society* depends upon the consent of the Individuals, to joyn into and make one Society; who, when they are thus incorporated, might set up what form of Government they thought fit. But this having given occasion to Men to mistake, and think, that by Nature Government was Monarchical, and belong'd to the Father, it may not be amiss here to consider, why People in the beginning generally pitch'd upon this form, which though perhaps the Father's Preheminency might in the first institution of some Common-wealths, give a rise to, and place, in the beginning, the Power in one hand; Yet it is plain, that the reason, that continued the Form of *Government in a single Person*, was not any Regard, or Respect to Paternal Authority; since all petty Monarchies, that is, almost all *Monarchies*, near their Original, have been commonly, at least upon occasion, *Elective*.

First then, in the beginning of things, the Father's Government of the Childhood of those sprung from him, having accustomed them to *the Rule of one Man*, and taught them that where it was exercised with Care and Skill, with Affection and Love to those under it, it was sufficient to procure and preserve to Men all the Political Happiness they sought for, in Society. It was no wonder, that they should pitch upon, and naturally run into that Form of Government, which from their Infancy they had been all accustomed to; and which, by experience they had found both easie and safe. To which, if we add, that Monarchy being simple, and most obvious to Men, whom neither experience had instructed in Forms of Government, nor the Ambition or Insolence of Empire had taught to beware of the Encroachments of Prerogative, or the Inconveniencies of Absolute Power, which Monarchy, in Succession, was apt to lay claim to, and bring upon them, it was not at all strange, that they should not much trouble themselves to think of Methods of restraining any Exorbitances of those, to whom they had given the Authority over them, and of ballancing the Power of Government, by placing several parts of it in different hands. They had neither felt the Oppression of Tyranical Dominion, nor did the Fashion of the Age, nor their Possessions, or way of living (which afforded little matter for Covetousness or Ambition) give them any reason to apprehend or provide against it – and therefore 'tis no wonder they put them-selves into such a *Frame of Government*, as was not only as I said most obvious and simple, but also best suited to their present State and Condition; which stood more in need of defence against foreign Invasions and Injuries, than of multiplicity of Laws. The equality of a simple poor way of living confining their desires within the narrow bounds of each mans smal propertie made few controversies and so no need of many laws to decide them. And there wanted not of justice where there were but few Trespasses, and few Offenders. Since then those, who liked one another so well as to joyn into Society, cannot but be supposed to have some Acquaintance and Friendship together, and some Trust one, in another; they could not but have greater Apprehensions of others, than of one another: And therefore their first care and

thought cannot but be supposed to be, how to secure themselves against foreign Force. 'Twas natural for them to put themselves under a *Frame of Government*, which might best serve to that end; and chuse the wisest and bravest Man to conduct them in their Wars, and lead them out against their Enemies, and in this chiefly be their *Ruler*.

Thus we see, that the *Kings of the Indians in America*, which is still a Pattern of the first Ages in *Asia and Europe*, whilst the Inhabitants were too few for the Country, and want of People and Money gave Men no Temptation to enlarge their Possessions of Land, or contest for wider extent of Ground, are little more than *Generals of their Armies*; and though they command absolutely in War, yet at home and in time of Peace they exercise very little Dominion, and have but a very moderate Sovereignty, the Resolutions of Peace and War, being ordinarily either in the People, or in a Council. Though the War it self, which admits not of Plurality of Governours, naturally devolves the Command into the *King's sole Authority*.

And thus in *Israel* it self, the *chief Business of their Judges, and first Kings* seems to have been to be *Capitains in War*, and Leaders of their Armies; which, (besides what is signified by *going out and in before the People*, which was, to march forth to War, and home again in the Heads of their Forces) appears plainly in the Story of *Jephtha*. The *Ammonites* making War upon *Israel*, the *Gileadites*, in fear send to *Jephtha*, a Bastard of their Family, whom they had cast off, and article with him, if he will assist them against the *Ammonites*, to make him their Ruler; which they do in these words, *And the People made him head and captain over them*, Judg. xi. 11, which was, as it seems, all one as to be Judge. *And he judged Israel*, Judg. xii. 7, that is, *was their Captain-General six years*. So when *Jotham* upbraids the *Shechemites* with the Obligation they had to *Gideon*, who had been their Judge and Ruler, he tells them, *He fought for you, and adventured his life far, and delivered you out of the hands of Midian*, Judg. ix. 17. Nothing mentioned of him, but what he did as a *General*, and indeed that is all is found in his History, or in any of the rest of the Judges. And *Abimelech* particularly is called *King*, though at most he was but their *General*. And when, being weary of the ill Conduct of *Samuel's* Sons, the Children of *Israel* desired a King, *like all the nations to judge them, and to go out before them, and to fight their battels*, I Sam. viii. 20. God granting their Desire, says to Samuel, *I will send thee a Man, and thou shalt anoint him to be Captain over my People Israel, that he may save my People out of the hands of the Philistines*, c. ix, v. 16. As if the only *business of a King* had been to lead out their Armies, and fight in their Defence; and accordingly at his Inauguration, pouring a Vial of Oyl upon him, declares to *Saul*, *that the Lord had anointed him to be Captain over his inheritance*, c. x, v. 1. And therefore those, who after *Saul's* being solemnly chosen and saluted King by the *Tribes at Mispah*, were unwilling to have him their King, make no other Objection but this, *How shall this Man save us?*, v. 27, as if they should have said, This Man is unfit to be our King, not having Skill and Conduct enough in War, to be able to defend us. And when God resolved to transfer the Government to *David*, it is in these Words, *But now, thy Kingdom shall not continue: The Lord hath sought him a Man after own heart, and the Lord hath commanded him to be Captain over his People*, c. xiii, v. 14. As if the whole *Kingly Authority*, were nothing

else but to be their *General*: And therefore the *Tribes* who had stuck to *Saul's* Family, and opposed *David's* Reign, when they came to *Hebron* with terms of Submission to him, they tell him, amongst other Arguments they had to submit to him as to their King, That he was in effect their *King* in *Saul's* time, and therefore they had no reason but to receive him as their *King* now. Also (say they) *in time past, when Saul was King over us, thou was he that leddest out and broughtest in Israel, and the Lord said unto thee, thou shalt feed my People Israel, and thou shalt be a Captain over Israel.*

Thus, whether a *Family*, by degrees grew up into a *Common-wealth*, and the Fatherly Authority being continued on to the elder Son, every one in his turn growing up under it, tacitly submitted to it, and the easiness and equality of it not offending any one, every one acquiesced, till time seemed to have confirmed it, and settled a right of Succession by Prescription: or whether several Families, or the Descendants of several Families, whom Chance, Neighbourhood, or Business brought together, uniting into Society, the need of a General, whose Conduct might defend them against their Enemies in War, and the great confidence the Innocence and Sincerity of that poor but vertuous Age (such as are almost all those which begin Governments, that ever come to last in the World) gave Men one of another, made the first Beginners of Common-wealths generally put the Rule into one Man's hand, without any other express Limitation or Restraint, but what the Nature of the thing, and the End of Government required. Which ever of these it was, that at first put the rule into the hands of a single person, certain it is that no body was ever intrusted with it but for the publick Good and Safety, and to those Ends in the Infancies of Commonwealths those who had it, commonly used it: And unless they had done so, young Societies could not have subsisted without such nursing Fathers tender and carefull of the publick weale, all Governments would have sunk under the Weakness and Infirmities of their Infancy; and the Prince and the People had soon perished together.

But though the *Golden Age* (before vain Ambition, and *amor sceleratus habeni*, evil Concupiscence, had corrupted Mens minds into a Mistake of true Power and Honour) had more Virtue, and consequently better Governours, as well as less vicious Subjects; and there was then *no stretching Prerogative* on the one side to oppress the People; *nor* consequently on the other any *Dispute about Priviledge*, to lessen or restrain the Power of the Magistrate; and so no contest betwixt Rulers and People about Governours or Government: Yet, when Ambition and Luxury, in future Ages would retain and increase the Power, without doing the Business, for which it was given, and aided by Flattery, taught Princes to have distinct and separate Interests from their People, Men found it necessary to examine more carefully the *Original* and Rights of Government; and to find out ways to *restrain the Exorbitances*, and *prevent the Abuses* of that Power which they having intrusted in another's hands only for their own good, they found was made use of to hurt them.

Thus we may see how probable it is, that People that were naturally free, and by their own consent either submitted to the Government of their Father, or united together, out of different Families to make a Government, should generally put the *Rule into one Man's hand*,

and chuse to be under the Conduct of a *single Person*, without so much as by express Conditions limiting or regulating his Power, which they thought safe enough in his Honesty and Prudence. Though they never dream'd of Monarchy being *Jure Divino*, which we never heard of among Mankind, till it was revealed to us by the Divinity of this last Age; nor ever allowed Paternal Power to have a right to Dominion, or to be the Foundation of all Government. And thus much may suffice to shew, that as far as we have any light from History we have reason to conclude, that all peaceful beginnings of *Government* have been *laid in the Consent of the People*. I say *peaceful*, because I shall have occasion in another place to speak of Conquest, which some esteem a way of beginning of Governments.

The other Objection I find urged against the beginning of Polities, in the way I have mentioned, is this, viz.

That all Men being born under Government, some or other, it is impossible any of them should ever be free, and at liberty to unite together, and begin a new one, or ever be able to erect a lawful Government.

If this Argument be good; I ask, how came so many lawful Monarchies into the World? For if any body, upon this supposition, can shew me any one Man in any Age of the World *free* to begin a lawful Monarchy; I will be bound to shew him Ten other *free Men* at Liberty, at the same time to unite and begin a new Government under a Regal, or any other Form. It being demonstration, that if any one, *born under the Dominion* of another, may be so *free* as to have a right to command others in a new and distinct Empire; every one that is *born under the Dominion* of another may be so *free* too, and may become a Ruler, or Subject, of a distinct separate Government. And so by this their own Principle, either all Men, however *born*, are *free*, or else there is but one lawful Prince, one lawful Government in the World. And then they have nothing to do but barely to shew us, which that is. Which when they have done, I doubt not but all Mankind will easily agree to pay Obedience to him.

Though it be a sufficient Answer to their Objection to shew, that it involves them in the same difficulties that it doth those they use it against; yet I shall endeavour to discover the weakness of this Argument a little farther.

All Men, say they, are born under Government, and therefore they cannot be at Liberty to begin a new one. Every one is born a Subject to his Father, or his Prince, and is therefore under the perpetual tye of Subjection and Allegiance 'tis plain Mankind never owned nor considered any such natural *subjection, that they were born in*, to one or to the other, that tied them, without their own Consents, to a Subjection to them and their Heirs.

For there are no Examples so frequent in History, both Sacred and Profane, as those of Men withdrawing themselves, and their Obedience, from the jurisdiction they were born under, and the Family or Community they were bred up in, and *setting up new Governments* in other places; from whence sprang all that number of petty Common-wealths in the beginning of Ages, and which always multiplyed, as long as there was room enough, till the stronger, or more fortunate swallowed the weaker; and those great ones again breaking to pieces, dissolved

into lesser Dominions. All which are so many Testimonies against Paternal Sovereignty, and plainly prove, That it was not the natural right of the Father descending to his Heirs, that made Governments in the beginning, since it was impossible, upon that ground, there should have been so many little Kingdoms; all must have been but only one Universal Monarchy, if Men had not been at *liberty to separate* themselves from their Families, and the Government, be it what it will, that was set up in it, and go and make distinct Common-wealths and other Governments, as they thought fit.

This has been the practice of the World from its first beginning to this day: Nor is it now any more hindrance to the freedom of Mankind, that they are *born under constituted and ancient Polities*, that have established Laws and set Forms of Government, than if they were born in the Woods, amongst the unconfined Inhabitants that ran loose in them. For those who would persuade us, that *by being born under any Government, we are naturally Subjects to it*, and have no more any title or pretence to the freedom of the State of Nature, have no other reason (bating that of Paternal Power, which we have already answer'd) to produce for it, but only because our Fathers or Progenitors passed away their natural Liberty, and thereby bound up themselves and their Posterity to a perpetual subjection to the Government, which they themselves submitted to. 'Tis true, that whatever Engagements or Promises any one has made for himself, he is under the Obligation of them, but *cannot* by any *Compact* whatsoever, bind *his Children* or Posterity. For this Son, when a Man, being altogether as free as the Father, any *act of the Father can no more give away the Liberty of the Son*, than it can of any body else: He may indeed annex such Conditions to the Land, he enjoyed as a Subject of any Common-wealth, as may oblige his Son to be of that Community, if he will enjoy those Possessions which were his Fathers; because that Estate being his Fathers Property, he may dispose or settle it as he pleases.

And this has generally given the occasion to mistake in this matter; because Common-wealths not permitting any part of their Dominions to be dismembred, nor to be enjoyed by any but those of their Community, the Son cannot ordinarily enjoy the Possessions of his Father, but under the same terms his Father did; by becoming a Member of the Society: whereby he puts himself presently under the Government, he finds there established, as much as any other Subject of that Common-wealth. And thus the *Consent of Free-men, born under Government*, which only *makes them Members of it*, being given separately in their turns, as each comes to be of Age, and not in a multitude together; People take no notice of it, and thinking it not done at all, or not necessary, conclude they are naturally Subjects as they are Men.

But, 'tis plain, *Governments* themselves understand it otherwise; they *claim no Power over the Son, because of that they had over the Father*; nor look on Children as being their Subjects, by their Fathers being so. If a Subject of *England* have a Child by an *English* Woman in *France*, whose Subject is he? Not the King of *England's*; for he must have leave to be admitted to the Priviledges of it. Nor the King of *France's*; For how then has his Father a

liberty to bring him away, and breed him as he pleases? And who ever was judged as a *Traytor* or *Deserter*; if he left, or warr'd against a Country, for being barely born in it of Parents that were Aliens there? 'Tis plain then, by the Practice of Governments themselves, as well as by the Law of right Reason, that *a Child is born a Subject of no Country or Government*. He is under his Father's Tuition and Authority, till he come to Age of Discretion; and then he is a Free-man, at liberty what Government he will put himself under; what Body Politick he will unite himself to. For if an *English-Man's* Son, born in *France*, be at liberty, and may do so, 'tis evident there is no Tye upon him by his Father being a Subject of this Kingdom; nor is he bound up, by any Compact of his Ancestors. And why then hath not his Son, by the same reason, the same liberty, though he be born anywhere else? Since the Power that a Father hath naturally over his Children, is the same, where-ever they be born; and the Tyes of Natural Obligations, are not bounded by the positive Limits of Kingdoms and Common-wealths.

Every Man being, as has been shewed, *naturally free*, and nothing being able to put him into subjection to any Earthly Power, but only his own Consent; it is to be considered, what shall he understood to be a *sufficient Declaration* of a Mans Consent, *to make him subject* to the Laws of any Government. There is a common distinction of an express and a tacit consent, which will concern our present Case. No body doubts but an *express* Consent, of any Man, entring into any Society, makes him a perfect Member of that Society, a Subject of that Government. The difficulty is, what ought to be look'd upon as a *tacit Consent*, and how far it binds, i.e. how far any one shall be looked on to have consented, and thereby submitted to any Government, where he has made no Expressions of it at all. And to this I say, that every Man, that hath any Possession, or Enjoyment, of any part of the Dominions of any Government, doth thereby give his *tacit Consent*, and is as far forth obliged to Obedience to the Laws of that Government, during such Enjoyment, as any one under it; whether this his Possession be of Land, to him and his Heirs forever, or a Lodging only for a Week; or whether it be barely travelling freely on the Highway; and in Effect it reaches as far as the very being of any one within the Territories of that Government.

To understand this the better, it is fit to consider, that every Man, when he, at first, incorporates himself into any Commonwealth, he, by his uniting himself thereunto, annexed also, and submits to the Community those Possessions, which he has, or shall acquire, that do not already belong to any other Government. For it would be a direct Contradiction, for any one, to enter into Society with others for the securing and regulating of Property: And yet to suppose his Land, whose Property is to be regulated by the Laws of the Society, should be exempt from the jurisdiction of that Government, to which he himself the Proprietor of the Land, is a Subject By the same Act therefore, whereby any one unites his Person, which was before free, to any Commonwealth; by the same he unites his Possessions, which were before free, to it also; and they become, both of them, Person and Possession, subject to the Government and Dominion of that Commonwealth, as long as it hath a being. *Whoever* therefore, from thenceforth, by Inheritance, Purchase, Permission, or otherways *enjoys any*

part of the Land, so annex to, and under the Government of that Commonwealth, must take it with the Condition it is under; that is, of submitting to the Government of the Commonwealth, under whose Jurisdiction it is, as far forth, as any Subject of it.

But since the Government has a direct jurisdiction only over the Land, and reaches the Possessor of it, (before he has actually incorporated himself in the Society) only as he dwells upon, and enjoys that: *The Obligation* any one is under, by Virtue of such Enjoyment, *to submit to the Government, begins and ends with the Enjoyment*; so that whenever the Owner, who has given nothing but such a *tacit Consent* to the Government, will, by Donation, Sale, or otherwise, quit the said Possession, he is at liberty to go and incorporate himself into any other Commonwealth, or to agree with others to begin a new one, *in vacuis locis*, in any part of the World, they can find free and unpossessed: Whereas he, that has once, by actual Agreement, and any *express Declaration*, given his Consent to be of any Commonweal, is perpetually and indispensably obliged to be and remain unalterably a Subject to it, and can never be again in the liberty of the State of Nature; unless by any Calamity, the Government, he was under, comes to be dissolved; or else by some publick Act cuts him off from being any longer a Member of it.

But submitting to the Laws of any Country, Living quietly, and enjoying, Priviledges and Protection under them, *makes not a Man a member of that Society*: This is only a local Protection and Homage due to, and from all those, who, not being in a state of War, come within the Territories belonging to any Government, to all parts whereof the force of its Law extends. But this no more *makes a Man a Member of that Society*, a perpetual Subject of that Commonwealth, than it would make a Man a Subject to another in whose Family he found it convenient to abide for some time; though, whilst he continued in it, he were obliged to comply with the Laws, and submit to the Government he found there. And thus we see, that *Foreigners*, by living all their Lives under another Government, and enjoying the Priviledges and Protection of it, though they are bound, even in Conscience, to submit to its Administration, as far forth as any Denison; yet do not thereby come to be *Subjects or Members of that Commonwealth*. Nothing can make any Man so, but his actually entering into it by positive Engagement, and express Promise and Compact. This is that, which I think, concerning the beginning of Political Societies, and that *Consent which makes any one a Member of any Commonwealth*.

5 David Hume (1711–76)

David Hume was born in Edinburgh, Scotland, in 1711. Coming from a family of landed gentry who were not particularly well-to-do, he was obliged, as a younger son, to find a means of earning a living. By the time he had completed his university education in languages, however, he had developed a love of philosophy and letters. This passion prevented him from developing a career in law or business, and he moved to France in order to develop his literary and philosophical career. Within three years of his arrival in France, at the age of 26, he had produced his greatest work, the *Treatise of Human Nature*. He continued to write on a wide range of philosophical topics, but failed to secure a professorship at Edinburgh University because of his suspected atheism. He then worked in a variety of posts for aristocratic patrons.

In 1752 Hume was elected head of a library in Edinburgh and began writing the *History of England*, which brought him fame and prosperity. Subsequently, he went to France for several years, becoming secretary to the British embassy and enjoying the life of a fashionable intellectual. During this period he developed an ill-starred friendship with Rousseau, who seemed incapable of appreciating the disinterested benevolence of Hume's attitude towards him. In 1769 he settled back in Edinburgh and continued to write, while enjoying the company of friends. As he was an atheist with a completely calm attitude in the face of dissolution, his death in 1776 excited much interest.

By the time Hume was born, England had experienced the 'Glorious Revolution' of 1688, the Hanoverians had occupied the throne, and Scotland had united with England to form the United Kingdom. Hume, therefore, looked back on turbulent events in British history during a period of relative peace, in which economic, imperial and party political development proceeded apace. It would be a mistake to think that all was peaceful, however. The Stuart dynasty still disputed the Hanoverian claim to the British throne, and rebellions on their behalf periodically erupted in Scotland: for instance in 1745. Hume valued political stability and moderate, constitutional government, largely controlled by the aristocracy and gentry. He was opposed, on both political and philosophical grounds, to unnecessary changes of government and was highly suspicious of the role of religion and strongly held ideology in politics. He was, therefore, content with state regulation of religion and with the development of a party political system in which

the power of the monarch was counterbalanced by that of a country party, each mainly concerned with defending and extending their own interests. At a time when democracy was not on the political agenda, his attachment to oligarchic government was unremarkable. Hume, therefore, had no personal difficulty in working assiduously for the aristocracy and the British state to the best of his considerable abilities.

Hume's political thought is explicit in many of his writings and implicit in others. The most systematic exposition of his political theory occurs in the *Treatise of Human Nature* (1739–40) and is further developed in the *Enquiries Concerning the Human Understanding and Concerning the Principles of Morals* (1777). In addition, he dealt with such matters in numerous essays on political theory, the *History of England* and also in some of his works on religion (including, in particular, 'Of Superstition and Enthusiasm' and *The Natural History of Religion*).

Nor should Hume's work as an economist be forgotten. Like Adam Smith, he was a critic of contemporary and past economic theory and made a contribution to classical economic theory. In many ways, his economic ideas prefigure some of Smith's. Like Smith, he is an advocate of the benefits of commerce, preferably conducted with a minimum of hindrance (see the essays 'Of Commerce' and 'The Balance of Trade'). Commerce, according to Hume, increases the wealth of society and promotes its wide distribution. This, in turn, promotes liberty, when wealth is widely distributed, as it is difficult for the wealthy few to oppress the many poor. Because commerce promotes industry, it also promotes frugality, since investment is required for economic activity, and this lessens the demand for credit, so bringing down the rate of interest. Hume sees the demand for credit arising mainly from luxurious and indolent landowners, not from the commercial classes. A low rate of interest helps to promote the work of merchants, whose assets are tied up in their working capital ('Of Interest'). Like Smith, however, he is suspicious of public debt of the permanent kind that has sustained the British state since the 1688 revolution, and maintains that, taken to an extreme, the growth of public debt can bring ruin to a nation ('Of Public Credit'; compare *The Wealth of Nations* Bk V, where Smith also inveighs against the practice of sustaining a permanent national debt).

Hume's reputation rests primarily on his work as an epistemologist and as a writer on ethical and religious topics. It is important to realise, however, that his work forms a unity, and that the writings on politics are intimately connected with his writings on epistemology, ethics, history and religion. In certain respects, the *History of England* can be seen as a testing-ground for these ideas, and (although the influence of his thinking about religious belief is particularly marked in his account of the English Civil War) the psychological ideas that underpin his epistemology can also be seen in his historical treatment of the ways in which the contending parties conceived of custom, right and legitimacy.

Book III, Part II, sections VII, IX and X of the *Treatise* are from Hume's earliest and, many think, greatest work. These three sections, which are relatively neglected, form part of the core of Hume's political thought. His ideas can only be fully understood in terms of the psychology and epistemology of Book I. Hume's key

idea is that the human mind associates mental contents (ideas) with each other when they are proximate in terms of resemblance and closeness (contiguity) in time and place. The habitual association of ideas means that the presence of one idea in the mind is likely to call up another which resembles or is contiguous with it, through a mental faculty which Hume calls 'custom'. This individual and mental use of the term 'custom' is subsequently employed to explain how it is that we rely on custom in the more familiar sense of 'social practice'. Our customary mental associations give rise to behaviour which is common to a group of people exposed to the same experience, who then develop a common set of ideas which, through the formation of beliefs, regulates their behaviour. Hume uses the idea of custom to explain the existence of social institutions such as justice and property, but also our perceptions of political legitimacy. Our experience of the mutual convenience of respecting the goods of others leads us to form a convention of mutual respect. The observance of this convention brings us many conveniences, so that, over time, we come to associate the observance of this convention with results that are pleasing to us. We associate such stable rules with our mutual benefit, and are so habituated to the association of justice with mutual benefit that we accept rules of justice even when they may seem, in a particular instance, to be unfair. The ability to act justly and to keep promises can exist in a pre-political society, according to Hume, and such a society can work very successfully until such time as the complexity of affairs and the need to make long-term arrangements mean that a central authority for the society is required.

Hume acknowledges that such an arrangement may have come into being through a formal process of agreement, but, even if it did, it rapidly took on a life of its own as the mutual convenience of a central authority manifested itself. Crucially, even where political power is imposed on a society, long association of the possessor with orderly arrangements for the governance of a complex society leads to a custom of allegiance. Sections VII to X of Part II, Book III, are concerned with these processes. Section VII, is a discussion of the origin of government out of the state of nature. Section VIII discusses the source of allegiance and argues that it does not necessarily arise out of the making of prior promises. This section anticipates many of the arguments to be found in 'Of the Original Contract'. Section IX contains a discussion of the circumstances in which men may revolt against unjust government. Section X, which develops Hume's views on the underpinning of legitimacy, is reprinted here in full. He develops an account which suggests that the strongest source of legitimacy is long possession of a title, which custom associates in our minds with the convenience of government; this, in turn, gives rise to the social practice of obedience. Other sources of legitimacy, in descending order of strength, are: present possession, conquest, succession and positive laws, 'when the legislature establishes a certain form of government and succession of princes'. Hume's discussion of legitimacy in 'Of the Original Contract' is a good example of his method. He admits that it was quite likely that the earliest forms of political government were founded on explicit agreement and depended

on consent, rather than force, while government continued to be weak. It does not follow from this, however, that the legitimacy of present governments derives in any way from such an agreement – formal or informal, explicit or implicit. The character of government has changed so much from the earliest days that it depends neither theoretically nor practically on contractual arrangements, but to a much greater degree on the presence of force. Indeed the behaviour of governments and the involuntary nature of the allegiance of subjects renders the idea of an undergirding contract implausible, particularly when the continuation of political authority can be more easily explained in other ways.

Hume, therefore, considers contractual arrangements to be a relatively feeble source of political authority, since they are only weakly based on the association of the idea of convenience with that of government, through the institution of a kind of promise with, as yet, no record of performance. It is only when a government has been in power for a period, and the convenience of the arrangement has become apparent to the population, that acceptance of authority takes root through the operation of custom – and, here again, long possession is the surest source of legitimacy. Hume also believed that the practices and behaviour of governments suggest that they are not founded upon a contract. In 'Of the Original Contract' he likens the position of a political subject to that of someone taken unconscious aboard a ship, who knows that he must perish if he decides to jump overboard. Hume's political theory represents, then, a sustained rejection of contract theories, such as that of Locke, which base political legitimacy on a social contract. The liberalism of Locke and his followers is opposed by a belief in the power of habit and social practice to ensure stability and authority, even during periods of bad, if not intolerable, government.

It is important to realise that Hume's enterprise is somewhat different from Locke's (and indeed Burke's). He is not presenting a *normative* theory of how government is to be conducted, but a *natural history*, or description, of how it came about and how it is sustained. In this respect, the political theory of the *Treatise* can be likened to his account of the growth of monotheism in the *Natural History*. For logical reasons, Hume would have shrunk from drawing explicit normative conclusions about how government should be conducted from his account. He would not, however, have demurred at drawing some general morals about government and the circumstances of the likely success or failure of different forms of it. This is, in part, the project that he undertook in writing the *History of England*.

Despite the importance of his work, Hume has been relatively neglected as a political theorist, and even in his own century his influence was not greatly acknowledged. This is partly because his inheritance is ambiguous. On the one hand, his thought has a conservative temper. On the other, his distaste for organised religion made him feared and loathed by religiously inclined political thinkers like de Maistre. Hume shares Hobbes's view of the capability of organised religion to make mischief in the polity, but his thought lies outside the mainstream of liberal thinking, whereas Hobbes's contractarianism, for all its absolutist implications, recognisably lies at the root of it. Contractarianism, particularly in the overtly liberal

form in which it was developed by Locke, was his particular target. This puts Hume outside the mainstream of liberal thinking, although it could be argued that Hume could be seen as an (unacknowledged) influence on Gray's (1995) *agonistic liberalism* – that is, a contingent, non-foundational and historically specific form of liberalism. In some respects, Hume anticipates Marx in developing a natural historical approach to politics and in recognising the importance of the protection of property in the formation of the state. On the other hand, there is little awareness in his political writings of the importance of economic class conflict: a notion that so exercised his near-contemporary Vico (1715) and which later came to occupy a pre-eminent place in Marx's thinking.

The author whom Hume seems most clearly to have influenced is Burke, although it is debatable whether Hume would have adopted the political positions that Burke did. Burke is a normative political theorist who, like Hume, attaches enormous importance to the force of habit in the successful running of polities and in the maintenance of political legitimacy. However, while Burke may have privately shared Hume's atheism, he is much clearer about the benefits of religion, even when it is not controlled by the state, in the maintenance of the stability of society. Burke also shares Hume's recognition of the importance of political parties in the developing political system of post-1688 Britain. The most obvious connection between Burke and Hume however, is their rejection of the liberal contractarian tradition. Hume argues that contract is an inappropriate and confused way of conceptualising political authority; Burke argues that it is disastrous, as the human mind is incapable of grasping the complexity that underlies human affairs, and thus cannot encompass them with simplistic arrangements which miss that complexity. However, Burke does not foresee (as Hume would have done) that, no matter how chaotic a period of history might be, men will eventually settle into arrangements that are convenient, however bloody their inception may have been. Hume's conservatism counsels staying with arrangements that men find convenient, or at least tolerable. He has no principled objection to the overthrow of tyranny.

It has already been noted that Hume is relatively neglected as a political theorist. There are, however, many features of his political thought that modern political theorists would profit from attending to. First, there is the natural historical descriptive approach to politics, which is presupposed by anything that might claim to be a science of the subject. His perceptive treatment of the state of nature as a natural mode of existence for much of the human race over very long periods of time is testimony to this. Second, there is his explanation for the psychology of authority and legitimacy. He offers the basis for a systematic account of political authority which, even if we reject the associationist psychology that underpins it, may still be reconstructed in other ways: for example by drawing on Wittgensteinian insights about the rule-governedness of human life. Finally, Hume's acute awareness of the role that religion can play in human political affairs, and of the potential for intolerance of the major monotheistic religions (see the *Natural History*), should provide much food for thought for students of affairs in areas as

diverse as Northern Ireland, the Middle East and India, to name but a few. The texts mentioned in this introduction will repay study, especially for their discussion of the relationship between promise-keeping, justice and the law; for their discussion of the origins of polities; for their account of authority and legitimacy and the circumstances in which men reject such authority; and, last, but not least, for his incisive and witty critique of social contract theories. It is arguable that the time is ripe for a major re-evaluation of Hume's political thinking as part of an ongoing critique of contemporary liberal thought.

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EXTRACT FROM DAVID HUME, *A TREATISE OF HUMAN NATURE* (PART II, BOOK III, 'OF MORALS')

Section X: Of the objects of allegiance

But tho', on some occasions, it may be justifiable, both in sound politics and morality, to resist supreme power, 'tis certain, that in the ordinary course of human affairs nothing can be more pernicious and criminal; and that besides the convulsions, which always attend revolutions, such a practice tends directly to the subversion of all government, and the causing an universal anarchy and confusion among mankind. As numerous and civiliz'd societies cannot subsist without government, so government is entirely useless without an exact obedience. We ought always to weigh the advantages, which we reap from authority, against the disadvantages; and by this means we shall become more scrupulous of putting in practice the doctrine of resistance. The common rule requires submission; and 'tis only in cases of grievous tyranny and oppression, that the exception can take place.

Since then such a blind submission is commonly due to magistracy, the next question is, *to whom it is due, and whom we are to regard as our lawful magistrates?* In order to answer

this question, let us recollect what we have already establish'd concerning the origin of government and political society. When men have once experienc'd the impossibility of preserving any steady order in society, while every one is his own master, and violates or observes the laws of society, according to his present interest or pleasure, they naturally run into the invention of government, and put it out of their own power, as far as possible, to transgress the laws of society. Government, therefore, arises from the voluntary convention of men; and 'tis evident, that the same convention, which establishes government, will also determine the persons who are to govern, and will remove all doubt and ambiguity in this particular. And the voluntary consent of men must here have the greater efficacy, that the authority of the magistrate does *at first* stand upon the foundation of a promise of the subjects, by which they bind themselves to obedience; as in every other contract or engagement. The same promise then, which binds them to obedience, ties them down to a particular person, and makes him the object of their allegiance.

But when government has been establish'd on this footing for some considerable time, and the separate interest, which we have in submission, has produc'd a separate interest in morality, the case is entirely alter'd, and a promise is no longer able to determine the particular magistrate; since it is no longer consider'd as the foundation of government. We naturally suppose ourselves born to submission; and imagine, that such particular persons have a right to command, as we on our part are bound to obey. These notions of right and obligation are deriv'd from nothing but the *advantage* reapt from government, which gives us a repugnance to practise resistance ourselves, and makes us displeas'd with any instance of it in others. But here 'tis remarkable, that in this new state of affairs, the original sanction of government, which is *interest*, is not admitted to determine the persons, whom we are to obey, as the original sanction did at first, when affairs were on the footing of a *promise*. A *promise* fixes and determines the persons, without any uncertainty: But 'tis evident, that if men were to regulate their conduct in this particular, by the view of a peculiar *interest*, either public or private, they wou'd involve themselves in endless confusion, and wou'd render all government, in a great measure, ineffectual. The private interest of every one is different; and tho' the public interest in itself be always one and the same, yet it becomes the source of as great dissensions, by reason of the different opinions of particular persons concerning it. The same interest, therefore, which causes us to submit to magistracy, makes us renounce itself in the choice of our magistrates, and binds us down to a certain form of government, and to particular persons, without allowing us to aspire to the utmost perfection in either. The case is here the same as in that law of nature concerning the stability of possession. 'Tis highly advantageous, and even absolutely necessary to society, that possession shou'd be stable; and this leads us to the establishment of such a rule. But we find, that were we to follow the same advantage, in assigning particular possessions to particular persons, we shou'd disappoint our end, and perpetuate the confusion, which that rule is intended to prevent. We must, therefore, proceed by general rules, and regulate ourselves by general interests, in modifying the law of nature concerning the stability of possession. Nor need we fear, that our attachment to this law will diminish upon account of the seeming frivolousness of those interests, by which it is determin'd

the impulse of the mind is deriv'd from a very strong interest; and those other more minute interests serve only to direct the motion, without adding any thing to it, or diminishing from it. 'Tis the same case with government. Nothing is more advantageous to society than such an invention – and this interest is sufficient to make us embrace with ardour and alacrity; tho' we are oblig'd afterwards to regulate and direct our devotion to government by several considerations, which are not of the same importance, and to chuse our magistrates without having in view any particular advantage from the choice.

The *first* of those principles I shall take notice of as a foundation of the right of magistracy, is that which gives authority to almost all the establish'd governments of the world: I mean, *long possession* in any one form, of government, or succession of princes. 'Tis certain, that if we remount to the first origin of every nation, we shall find, that there scarce is any race of kings, or form of a commonwealth, that is not primarily founded on usurpation and rebellion, and whose title is not at first worse than doubtful and uncertain. Time alone gives solidity to their right; and operating gradually on the minds of men, reconciles them to any authority, and makes it seem just and reasonable. Nothing causes any sentiment to have a greater influence upon us than custom, or turns our imagination more strongly to any object. When we have been long accustom'd to obey any set of men, that general instinct or tendency, which we have, to suppose a moral obligation attending loyalty, takes easily this direction, and chuses that set of men for its objects. 'Tis interest which gives the general instinct; but 'tis custom which gives the particular direction.

And here 'tis observable, that the same length of time has a different influence on our sentiments of morality, according to its different influence on the mind. We naturally judge of everything by comparison; and since in considering the fate of kingdoms and republics, we embrace a long extent of time, a small duration has not in this case a like influence on our sentiments when we consider any other object. One thinks he acquires a right to a horse, or a suit of cloaths, in a very short time; but a century is scarce sufficient to establish any new government, or remove all scruples in the minds of the subjects concerning it. Add to this, that a shorter period of time will suffice to give a prince a title to any additional power he may usurp, than will serve to fix his right, where the whole is an usurpation. The kings of France have not been possess'd of absolute power for above two reigns; and yet nothing will appear more extravagant to Frenchmen than to talk of their liberties. If we consider what has been said concerning *accession*, we shall easily account for this phenomenon.

When there is no form of government establish'd by *long possession*, the *present* possession is sufficient to supply its place, and may be regarded as the *second* source of all public authority. Right to authority is nothing but the constant possession of authority, maintain'd by the laws of society and the interests of mankind; and nothing can be more natural than to join this constant possession to the present one, according to the principles

above-mention'd. If the same principles did not take place with regard to the property of private persons, 'twas because these principles were counter-banced by very strong considerations of interest; when we observ'd, that all restitution wou'd by that means be prevented, and every violence be authoriz'd and protected. And tho' the same motives may seem to have force, with regard to public authority, yet they are oppos'd by a contrary interest; which consists in the preservation of peace, and the avoiding of all changes, which, however they may be easily produc'd in private affairs, are unavoidably attended with bloodshed and confusion, where the public is interested.

Any one who, finding the impossibility of accounting for the right of the present possessor, by any receiv'd system of ethics, shou'd resolve to deny absolutely that right, and assert, that it is not authoriz'd by morality, wou'd be justly thought to maintain a very extravagant paradox, and to shock the common sense and judgment of mankind. No maxim is more conformable, both to prudence and morals, than to submit quietly to the government, which we find establish'd in the country where we happen to live, without enquiring too curiously into its origin and first establishment. Few governments will bear being examin'd so rigorously. How many kingdoms are there at present in the world, and how many more do we find in history, whose governors have no better foundation for their authority than that of present possession? To confine ourselves to the *Roman* and *Grecian* empire; is it not evident, that the long succession of emperors, from the dissolution of the *Roman* liberty, to the final extinction of that empire by the *Turks*, cou'd not so much as pretend to any other title to the empire? The election of the senate was a mere form, which always follow'd the choice of the legions; and these were almost always divided in the different provinces, and nothing but the sword was able to terminate the difference. 'Twas by the sword, therefore, that every emperor acquir'd, as well as defended his right; and we must either say, that all the known world, for so many ages, had no government, and ow'd no allegiance to any one, or must allow, that the right of the stronger, in public affairs, is to be receiv'd as legitimate, and authoriz'd by morality, when not oppos'd by any other title.

The right of *conquest* may be consider'd as a *third* source of the title of sovereigns. This right resembles very much that of present possession; but has rather a superior force, being seconded by the notions of glory and honour, which we ascribe to *conquerors*, instead of the sentiments of hatred and detestation, which attend *usurpers*. Men naturally favour those they love, and therefore are more apt to ascribe a right to successful violence, betwixt one sovereign and another than to the successful rebellion of a subject against his sovereign.¹

When neither long possession, nor present possession, nor conquest take place, as when the first sovereign, who founded any monarchy, dies; in that case, the right of *succession* naturally prevails in their stead, and men are commonly induc'd to place the son of their late monarch on the throne, and suppose him to inherit his father's authority. The presum'd consent of the father, the imitation of the succession to private families, the interest, which the state has in chusing the person, who is most powerful, and has the most numerous

followers; all these reasons lead men to prefer the son of their late monarch to any other person.²

These reasons have some weight; but I am persuaded, that, to one who considers impartially of the matter, 'twill appear, that some principles of the imagination concur with those views of justice and interest. The royal authority seems to be connected with the young prince even in his father's life-time, by the natural transition of the thought; and still more after his death: So that nothing is more natural, than to compleat this union by a new relation, and by putting him actually in possession of what seems so naturally to belong to him.

To confirm this we may weigh the following phenomena, which are pretty curious in their kind. In elective monarchies the right of succession has no place by the laws and settled custom; and yet its influence is so natural, that 'tis impossible entirely to exclude it from the imagination, and render the subjects indifferent to the son of their deceas'd monarch. Hence in some governments of this kind, the choice commonly falls on one or other of the royal family; and in some governments they are all excluded. Those contrary phaenomena proceed from the same principle. Where the royal family is excluded, 'tis from a refinement in politics, which makes people sensible of their propensity to chuse a sovereign in that family, and gives them a jealousy of their liberty, lest their new monarch, aided by this propensity, shou'd establish his family, and destroy the freedom of elections for the future.

The history of *Artaxerxes*, and the younger *Cyrus*, may furnish us with some reflections to the same purpose. *Cyrus* pretended a right to the throne above his elder brother, because he was born after his father's accession. I do not pretend, that this reason was valid. I wou'd only infer from it, that he wou'd never have made use of such a pretext, were it not for the qualities of the imagination above-mention'd, by which we are naturally inclin'd to unite by a new relation whatever objects we find already united. *Artaxerxes* had an advantage above his brother, as being the eldest son, and the first in succession: But *Cyrus* was more closely related to the royal authority, as being begot after his father was invested with it.

Shou'd it here be pretended, that the view of convenience may be the source of all the right of succession, and that men gladly take advantage of any rule, by which they can fix the successor of their late sovereign, and prevent that anarchy and confusion, which attends all new elections: To this I wou'd answer, that perhaps this motive may contribute somewhat to the effect; but that without another principle, 'tis impossible such a motive shou'd take place. The interest of a nation requires, that the succession to the crown shou'd be fix'd one way or other; but 'tis the same thing to its interest in what way it be fix'd: So that if the relation of blood had not an effect independent of public interest, it wou'd never have been regarded, without a positive law; and 'twou'd have been impossible, that so many positive laws of different nations could ever have concur'd precisely in the same views and intentions.

This leads us to consider the *fifth* source of authority, viz. *positive laws*, when the legislature establishes a certain positive form of government and succession of princes. At

first sight it may be thought, that this must resolve into some of the preceding titles of authority. The legislative Power, whence the positive law is deriv'd, must either be establish'd by original contract, long possession, present possession, conquest, or succession; and consequently the positive law must derive its force from some of those principles. But here 'tis remarkable, that tho' a positive law can only derive its force from these principles, yet it acquires not all the force of the principle from whence it is deriv'd, but loses considerably in the transition; as it is natural to imagine. For instance; a government is establish'd for many centuries on a certain system of laws, forms, and methods of succession. The legislative power, establish'd by this long succession, changes all on a sudden the whole system of government, and introduces a new constitution in its stead. I believe few of the subjects will think themselves bound to comply with this alteration, unless it have an evident tendency to the public good: But will think themselves still at liberty to return to the antient government. Hence the notion of *fundamental laws*; which are suppos'd to be inalterable by the will of the sovereign: And of this nature the *Salic* law is understood to be in France. How far these fundamental laws extend is not determin'd in any government; nor is it possible it ever shou'd. There is such an insensible gradation from the most material laws to the most trivial, and from the most antient, to the most modern, that 'twill be impossible to set bounds to the legislative power, and determine how far it may innovate in the principles of government. That is the work more of imagination and passion than reason.

Whoever considers the history of the several nations of the world; their revolutions, conquests, increase, and diminution; the manner in which their particular governments are established, and the successive right transmitted from one person to another, will soon learn to treat very lightly all disputes concerning the rights of princes, and will be convinc'd, that a strict adherence to any general rules, and the rigid loyalty to particular persons and families, on which some people set so high a value, are virtues that hold less of reason, than of bigotry and superstition. In this particular, the study of history confirms the reasonings of true philosophy; which, shewing us the original qualities of human nature, teaches us to regard the controversies in politics as subordinate to the interests of peace and liberty. Where the public good does not evidently demand a change; 'tis certain, that the concurrence of all those titles, *original possession, long possession, present possession, succession, and positive laws*, forms the strongest title to sovereignty, and is justly regarded as sacred and inviolable. But when these titles are mingled and oppos'd in different degrees, they often occasion perplexity; and are less capable of solution from the arguments of lawyers and philosophers, than from the swords of the soldiery. Who shall tell me, for instance, whether *Germanicus*, or *Drusus*, ought to have succeeded *Tiberius*, had he died while they were both alive, without naming any of them for his successor? Ought the right of adoption to be receiv'd as equivalent to that of blood in a nation, where it had the same effect in private families and had already, in two instances taken place in the public? Ought *Germanicus* to be esteem'd the eldest son, because he was born before *Drusus*; or the younger, because he was adopted after the birth of his brother? Ought the right of the elder to be regarded in a nation, where the elder brother had no

advantage in the succession to private families? Ought the Roman empire at that time to be esteem'd hereditary, because of two examples; or ought it, even so early; to be regarded as belonging to the stronger, or the present possessor, as being founded on so recent an usurpation? Upon whatever principles we may pretend to answer these and such like questions, I am afraid we shall never be able to satisfy an impartial enquirer, who adopts no party in political controversies, and will be satisfied with nothing but sound reason and philosophy.

But here an *English* reader will be apt to enquire concerning that famous *revolution*, which has had such a happy influence on our constitution, and has been attended with such mighty consequences. We have already remark'd, that in the case of enormous tyranny and oppression, 'tis lawful to take arms even against supreme power; and that as government is a mere human invention for mutual advantage and security, it no longer imposes any obligation, either natural or moral, when once it ceases to have that tendency. But tho' this *general* principle be authoriz'd by common sense, and the practice of ages, 'tis certainly impossible for the laws, or even for philosophy, to establish any *particular* rules, by which we may know that resistance is lawful; and decide all controversies, which may arise on that subject. This may not only happen with regard to supreme power; but 'tis possible, even in some constitutions, where the legislative authority is not lodg'd in some person, that there may be a magistrate so eminent and powerful, as to oblige the laws to keep silence in this particular. Nor wou'd this silence be an effect only of their *respect*, but also of their *prudence*; since 'tis certain, that in the vast variety of circumstances which occur in all governments, an exercise of power, in so great a magistrate, may at one time be beneficial to the public, which at another time wou'd be pernicious and tyrannical. But notwithstanding this silence of laws in limited monarchies, 'tis certain, that the people still retain the right of resistance; since 'tis impossible, even in the most despotic governments, to deprive them of it. The same necessity of self-preservation, and the same motive of public good, give them the same liberty in the one case as in the other. And we may farther observe, that in such mix'd governments, the cases, wherein resistance is lawful, must occur much oftener, and greater indulgence be given to the subjects to defend themselves by force of arms, than in arbitrary governments. Not only where the chief magistrate enters into measures, in themselves, extremely pernicious to the public, but even when he wou'd encroach on the other parts of the constitution, and extend his power beyond the legal bounds, it is allowable to resist and dethrone him; tho' such resistance and violence may, in the general tenor of the laws, be deem'd unlawful and rebellious. For besides that nothing is more essential to public interest, than the preservation of public liberty; 'tis evident, that if such a mix'd government be once suppos'd to be establish'd, every part or member of the constitution must have a right of self-defence, and of maintaining its antient bounds against the encroachment of every other authority. As matter wou'd have been created in vain, were it depriv'd of a power of resistance, without which no part of it

cou'd preserve a distinct existence, and the whole might be crowded up into a single point: So 'tis a gross absurdity to suppose, in any government, a right without a remedy, or allow, that the supreme power is shar'd with the people, without allowing that 'tis lawful for them to defend their share against every invader. Those, therefore, who wou'd seem to respect our free government, and yet deny the right of resistance, have renounced all pretensions to common sense, and do not merit a serious answer.

It does not belong to my present purpose to shew, that these general principles are applicable to the late *revolution*: and that all the rights and privileges, which ought to be sacred to a free nation, were at that time threaten'd with the utmost danger. I am better pleas'd to leave this controverted subject, if it really admits of controversy; and to indulge myself in some philosophical reflections, which naturally arise from that important event.

First, We may observe, that shou'd the *lords* and *commons* in our constitution, without any reason from public interest, either depose the king in being, or after his death exclude the prince, who, by laws and settled custom, ought to succeed, no one wou'd esteem their proceedings legal, or think themselves bound to comply with them. But shou'd the king, by his unjust practices, or his attempts for a tyrannical and despotic power, justly forfeit his legal, it then not only becomes morally lawful and suitable to the nature of political society to dethrone him; but what is more, we are apt likewise to think, that the remaining members of the constitution acquire a right of excluding his next heir, and of chusing whom they please for his successor. This is founded on a very singular quality of our thought and imagination. When a king forfeits his authority, his heir ought naturally to remain in the same situation, as if the king were remov'd by death; unless by mixing himself in the tyranny, he forfeit it for himself. But tho' this may seem reasonable, we easily comply with the contrary opinion. The deposition of a king, in such a government as ours, is certainly an act beyond all common authority, and an illegal assuming a power for public good, which, in the ordinary course of government, can belong to no member of the constitution. When the public good is so great and so evident as to justify the action, the commendable use of this licence causes us naturally to attribute to the *parliament* a right of using farther licences; and the antient bounds of the laws being once transgressed with approbation, we are not apt to be so strict in confining ourselves precisely within their limits. The mind naturally runs on with any train of action, which it has begun; nor do we commonly make any scruple concerning our duty, after the first action of any kind, which we perform. Thus at the *revolution* none who thought the deposition of the father justifiable, esteem'd themselves to be confin'd to his infant son; tho' had that unhappy monarch died innocent at that time, and had his son, by any accident, been convey'd beyond seas, there is no doubt but a regency wou'd have been appointed till he shou'd come to age, and cou'd be restor'd to his dominions. As the slightest properties of the imagination have an effect on the judgments of the people, it shews the wisdom of the laws and of the parliament to take advantage of such properties, and to chuse the magistrates either in or out of a line, according as the vulgar will most naturally attribute authority and right to them.

Secondly, tho' the accession of the Prince of Orange to the throne might at first give occasion to many disputes, and his title be contested, it ought not now to appear doubtful, but must have acquir'd a sufficient authority from those three princes, who have succeeded him upon the same title. Nothing is more usual, tho' nothing may, at first sight, appear more unreasonable, than this way of thinking. Princes often seem to acquire a right from their successors, as well as from their ancestors; and a king, who during his life-time might justly be deem'd an usurper, will be regarded by posterity as a lawful prince, because he has had the good fortune to settle his family on the throne, and entirely change the antient form of government. *Julius Caesar* is regarded as the first Roman emperor; while *Sylla* and *Marius*, whose titles were really the same as his, are treated as tyrants and usurpers. Time and custom give authority to all forms of government, and all successions of princes; and that power, which at first was founded only on injustice and violence, becomes in time legal and obligatory. Nor does the mind rest there; but returning back upon its footsteps, transfers to their predecessors and ancestors that right, which it naturally ascribes to the posterity, as being related together and united in the imagination. The present *King of France* makes *Hugh Capet* a more lawful prince than *Cromwell*; as the establish'd liberty of the *Dutch* is no inconsiderable apology for their obstinate resistance to *Philip* the second.

Notes

1. It is not here asserted, that *present possession* or *conquest* are sufficient give a title against *long possession* and *positive laws*. But only that they have some force, and will be able to cast the ballance where the titles are otherwise equal, and will even be sufficient *sometimes* to sanctify the weaker title. What degree of force they have is difficult to determine, I believe all moderate men will allow, that they have great force in all disputes concerning the rights of princes.
2. To prevent mistakes I must observe, that this case of succession is the not the same with that of hereditary monarchies, where custom has fix'd the right of succession. These depend upon the principle of long possession above explain'd.

6

Montesquieu (1689–1755)

Charles Louis de Secondat was born at his father's country seat of la Brède, near Bordeaux, in 1689. He received a classical education near Paris and then studied Law. In 1708 he returned to Bordeaux and was admitted as an advocate in the *Parlement* of Guyenne. From 1709 to 1713 he lived in Paris, returning to Bordeaux the year his father died. He married well, and in 1714 he was appointed counsellor to the Bordeaux *parlement*. In 1716 he inherited his childless uncle's title and position of *Président à Mortier* under the title Baron de la Brède et de Montesquieu.

He became extremely active in the Academy of Science in Bordeaux and later applied to become a member of the Académie Française. His first attempt was frustrated by the opposition of Cardinal Fleury, but in 1726, having sold his office in Bordeaux, he returned to Paris and was admitted to the Académie.

From 1720 to 1731 he travelled widely and cultivated friendships with Lord Chesterfield, David Hume and, perhaps more importantly, Pierre Ceste, who translated Locke, Shaftesbury and Newton into French. He was elected to the English Royal Society in 1730.

He began *The Spirit of the Laws* in 1726 and worked on this for the next twenty years. Published in 1748, it was an enormous success (according to Montesquieu, 22 editions were published). However, it was widely attacked, especially by clerical interests but also by Helvetius and Voltaire. In 1750 Montesquieu published a defence of his work. He died in 1755.

Whilst many disagreed with his opinions Montesquieu was widely admired for his erudition and style, and almost universally liked. He was timid, urbane, dignified, sincere and had a great love of friendship and moderation. Even his political enemies admitted his hatred of despotism and intolerance.

Despite his work for the *Parlement*, Montesquieu's real passion in life was the advancement of learning in general and science in particular. He first came to general notice with the publication of the *Persian Letters* in 1721 (first published anonymously in Cologne). These consist of a series of letters exchanged by two Persian princes and their followers upon a visit to Europe. At one level they can be read as a social and cultural criticism of France at the time, but at another they are an enquiry into the human condition in its various aspects. Throughout the text

Montesquieu reveals both his sceptical nature and his pessimism, but also his love of tolerance and his care for the institution of the family.

His other major work is, without doubt, *The Spirit of the Laws*, which was designed to be a systematic theory of politics in the spirit of Aristotle. This work was seen by many at the time as a thesis designed to take its place in the argument about the respective roles of the monarchy and nobility in French life. And few doubted Montesquieu's position in this argument. Helvetius, Voltaire and Linguist, saw it as offering support for the Parliament and aristocracy, and thus as being opposed to the interests of the mass of the people.

Montesquieu is largely known today for the views expressed in the extract which follows, but this was only a tiny part of the vast undertaking which comprises *The Spirit of the Laws*. As we have said, in his own time Montesquieu was seen as a reactionary. However, a fairer estimation may be that he was profoundly sceptical about any notion of ideal political relationships, and therefore about any abstract plan for bringing such relationships into being. His book is a sustained examination of the relationships, in many types of state, of liberty and coercion. He identifies types of political society – republican, monarchic, aristocratic and despotic – and the principles – virtue, honour, moderation and fear – which underpin each type. But he also feels that any society can only be studied properly if such things as psychology, national temperament, climate, geography and history are taken into account. Given the variations that types of political organisation and other factors create, Montesquieu was convinced that there is no single answer to the problems of liberty and power. Rather, there are various answers embedded in the different types of political culture. But, even then, no answer is perfect. Even if one is an approximation to *the* answer in *this* context, this approximation will be lost over time, as the particular society changes, either by correction or corruption. Given the underlying principles which govern (or should govern) forms of government, and given humanity's greed for power, such change is inevitable. Thus, according to Montesquieu, democracy declines into either anarchy or the loss of freedom, monarchy into despotism, aristocracy into the arbitrary use of power; and despotism collapses under its own logic.

Such a relativistic and pessimistic attitude to politics was not likely to be popular in the full sun of the Enlightenment. And, insofar as an Enlightenment understanding of politics has permeated our thought ever since that time, this may help to explain the recent neglect of Montesquieu. However, it may be the case that our time, with the renewed flowering of the seeds of relativism, may see a reassessment of his work.

Montesquieu was profoundly influenced by Machiavelli and by the classical tradition of political thought, and he had also certainly read the work of Locke. In his turn, he is generously cited by Madison, and his claims for the separation of powers was denied by Bentham. However, to locate him simply in this company is perhaps to misplace him. His scepticism, his distrust of ideal solutions and his emphasis upon custom and habit, really make him part of the type of conservative thought embodied by Hume and Burke.

The influence of the doctrine of the separation of powers upon constitutional

thought remains important. It is embodied in the American constitution and returned to Europe either via the American model – as in France – or adopted directly from Montesquieu's version of the English system – as in Germany. However, as we have noted above, to see Montesquieu simply in terms of his one doctrine is to mistake his place in political thought. His real place is within the conservative tradition, as a forebear of thinkers such as Oakeshott with his dislike of technical solutions to political problems (see Oakeshott 1962) and, *perhaps*, of the notion of piecemeal political improvement found in Popper (see Popper 1964).

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EXTRACT FROM MONTESQUIEU, *THE SPIRIT OF THE LAWS*

Book XI: Of The Laws Which Establish Political Liberty With Regard to the Constitution

1 A general Idea

I make a distinction between the laws that establish political liberty as it relates to the constitution, and those by which it is established as it relates to the citizen. The former shall be the subject of this book; the latter I shall examine in the next.

2 Different Significations of the word Liberty

There is no word that admits of more various significations, and has made more varied impressions on the human mind, than that of liberty. Some have taken it as a means of deposing a person on whom they had conferred a tyrannical authority; others for the power of choosing a superior whom they are obliged to obey; others for the right of bearing arms, and of being thereby enabled to use violence; others, in fine, for the privilege of being governed by a native of their own country, or by their own laws. A certain nation for a long time thought liberty consisted in the privilege of wearing a long beard. Some have annexed this name to one form of government exclusive of others: those who had a republican taste applied it to this species of polity; those who liked a monarchical state gave it to monarchy. Thus they have all applied the name of liberty to the government most suitable to their own

customs and inclinations: and as in republics the people have not so constant and so present a view of the causes of their misery, and as the magistrates seem to act only in conformity to the laws, hence liberty is generally said to reside in republics, and to be banished from monarchies. In fine, as in democracies the people seem to act almost as they please, this sort of government has been deemed the most free, and the power of the people has been confounded with their liberty.

3 In what Liberty consists

It is true that in democracies the people seem to act as they please; but political liberty does not consist in an unlimited freedom. In governments, that is, in societies directed by laws, liberty can consist only in the power of doing what we ought to will, and in not being constrained to do what we ought not to will.

We must have continually present to our minds the difference between independence and liberty. Liberty is a right of doing whatever the laws permit, and if a citizen could do what they forbid he would be no longer possessed of liberty, because all his fellow-citizens would have the same power.

4 The same Subject continued

Democratic and aristocratic states are not in their own nature free. Political liberty is to be found only in moderate governments; and even in these it is not always found. It is there only when there is no abuse of power. But constant experience shows us that every man invested with power is apt to abuse it, and to carry his authority as far as it will go. Is it not strange, though true, to say that virtue itself has need of limits?

To prevent this abuse, it is necessary from the very nature of things that power should be a check to power. A government may be so constituted, as no man shall be compelled to do things to which the law does not oblige him, nor forced to abstain from things which the law permits.

5 Of the End or View of different Governments

Though all governments have the same general end, which is that of preservation, yet each has another particular object. Increase of dominion was the object of Rome; war, that of Sparta; religion, that of the Jewish laws; commerce, that of Marseilles; public tranquillity, that of the laws of China: navigation, that of the laws of Rhodes; natural liberty, that of the policy of the Savages; in general, the pleasures of the prince, that of despotic states; that of monarchies, the prince's and the kingdom's glory; the independence of individuals is the end aimed at by the laws of Poland, thence results the oppression of the whole.

One nation there is also in the world that has for the direct end of its constitution

political liberty. We shall presently examine the principles on which this liberty is founded; if they are sound, liberty will appear in its highest perfection.

To discover political liberty in a constitution, no great labour is requisite. If we are capable of seeing it where it exists, it is soon found, and we need not go far in search of it.

6 Of the Constitution of England

In every government there are three sorts of power: the legislative; the executive in respect to things dependent on the law of nations; and the executive in regard to matters that depend on the civil law.

By virtue of the first, the prince or magistrate enacts temporary or perpetual laws, and amends or abrogates those that have been already enacted. By the second, he makes peace or war, sends or receives embassies, establishes the public security, and provides against invasions. By the third, he punishes criminals, or determines the disputes that arise between individuals. The latter we shall call the judiciary power, and the other simply the executive power of the state.

The political liberty of the subject is a tranquillity of mind arising from the opinion each person has of his safety. In order to have this liberty, it is requisite the government be so constituted as one man need not be afraid of another.

When the legislative and executive powers are united in the same person, or in the same body of magistrates, there can be no liberty, because apprehensions may arise, lest the same monarch or senate should enact tyrannical laws, to execute them in a tyrannical manner. Again, there is no liberty, if the judiciary power be not separated from the legislative and executive. Were it joined with the legislative, the life and liberty of the subject would be exposed to arbitrary control; for the judge would be then the legislator. Were it joined to the executive power, the judge might behave with violence and oppression. There would be an end of everything, were the same man or the same body, whether of the nobles or of the people, to exercise those three powers, that of enacting laws, that of executing the public resolutions, and of trying the causes of individuals. Most kingdoms in Europe enjoy a moderate government because the prince who is invested with the two first powers leaves the third to his subjects. In Turkey, where these three powers are united in the Sultan's person, the subjects groan under the most dreadful oppression. In the republics of Italy, where these three powers are united, there is less liberty than in our monarchies. Hence their government is obliged to have recourse to as violent methods for its support as even that of the Turks; witness the state Inquisitors, and the lion's mouth into which every informer may at all hours throw his written accusations. In what a situation must the poor subject be in those republics! The same body of magistrates are possessed, as executors of the laws, of the whole power they have given themselves in quality of legislators. They may plunder the state by their general determinations; and as they have likewise the judiciary power in their hands, every private citizen maybe ruined by their particular decisions.

The whole power is here united in one body; and though there is no external pomp that indicates a despotic sway, yet the people feel the effects of it every moment. Hence it is that many of the princes of Europe, whose aim has been levelled at arbitrary power, have constantly set out with uniting in their own persons all the branches of magistracy, and all the great offices of state.

I allow Indeed that the mere hereditary aristocracy of the Italian republics does not exactly answer to the despotic power of the Eastern princes. The number of magistrates sometimes moderate the power of the magistracy; the whole body of the nobles do not always concur in the same design; and different tribunals are erected, that temper each other. Thus at Venice the legislative power is in the council, the executive in the *pregadi*, and the judiciary in the *quarentia*. But the mischief is, that these different tribunals are composed of magistrates all belonging to the same body; which constitutes almost one and the same power.

The judiciary power ought not to be given to a standing senate; it should be exercised by persons taken from the body of the people at certain times of the year, and consistently with a form and manner prescribed by law, in order to erect a tribunal that should last only so long as necessity requires.

By this method the judicial power, so terrible to mankind, not being annexed to any particular state or profession, becomes, as it were, invisible. People have not then the judges continually present to their view; they fear the office, but not the magistrate.

In accusations of a deep and criminal nature, it is proper the person accused should have the privilege of choosing, in some measure, his judges, in concurrence with the law; or at least he should have a right to except against so great a number that the remaining part may be deemed his own choice.

The other two powers may be given rather to magistrates or permanent bodies, because they are not exercised on any private subject; one being no more than the general will of the state, and the other the execution of that general will.

But though the tribunals ought not to be fixed, the judgments ought; and to such a degree as to be ever conformable to the letter of the law. Were they to be the private opinion of the judge, people would then live in society, without exactly knowing the nature of their obligations.

The judges ought likewise to be of the same rank as the accused, or, in other words, his peers; to the end that he may not imagine he is fallen into the hands of persons inclined to treat him with rigor.

If the legislature leaves the executive power in possession of a right to imprison those subjects who can give security for their good behaviour, there is an end of liberty; unless they are taken up, in order to answer without delay to a capital crime, in which case they are really free, being subject only to the power of the law.

But should the legislature think itself in danger by some secret conspiracy against the state, or by a correspondence with a foreign enemy, it might authorise the executive power,

for a short and limited time, to imprison suspected persons, who in that case would lose their liberty only for a while, to preserve it forever.

And this is the only reasonable method that can be substituted to the tyrannical magistracy of the Ephori, and to the state inquisitors of Venice, who are also despotic. As in a country of liberty, every man who is supposed a free agent ought to be his own governor, the legislative powers should reside in the whole body of the people. But since this is impossible in large states, and in small ones is subject to many inconveniences, it is fit the people should transact by their representatives what they cannot transact by themselves.

The inhabitants of a particular town are much better acquainted with its wants and interests than with those of other places; and are better judges of the capacity of their neighbours than of that of the rest of their countrymen. The members, therefore, of the legislature should not be chosen from the general body of the nation; but it is proper that in every considerable place a representative should be elected by the inhabitants.

The great advantage of representatives is, their capacity of discussing public affairs. For this the people collectively are extremely unfit, which is one of the chief inconveniences of a democracy.

It is not at all necessary that the representatives who have received a general instruction from their constituents should wait to be directed on each particular affair, as is practised in the diets of Germany. True it is that by this way of proceeding the speeches of the deputies might with greater propriety called the voice of the nation; but, on the other hand, this would occasion infinite delays; would give each deputy power of controlling the assembly; and, on the most urgent and pressing occasions, the wheels of government might be stopped by the caprice of a single person.

When the deputies, as Mr Sidney well observes, represent a body of people, as in Holland, they ought to be accountable to their constituents; but it is a different thing in England, where they are deputed by boroughs.

All the inhabitants of the several districts ought to have a right of voting at the election of a representative, except such as are in so mean a situation as to be deemed to have no will of their own.

One great fault there was in most of the ancient republics, that the people had a right to active resolutions, such as require some execution, a thing of which they are absolutely incapable. They ought to have no share in the government but for the choosing of representatives, which is within their reach. For though few can tell the exact degree of men's capacities, yet there are none but are capable of knowing in general whether the person they choose is better qualified than most of his neighbours.

Neither ought the representative body to be chosen for the executive part of government, for which it is not so fit; but for the enacting of laws, or to see whether the laws in being are duly executed, a thing suited to their abilities, and which none indeed but themselves can properly perform.

In such a state there are always persons distinguished by their birth, riches, or honours: but were they to be confounded with the common people, and to have only the weight of a

single vote like the rest, the common liberty would be their slavery, and they would have no interest in supporting it, as most of the popular resolutions would be against them. The share they have, therefore, in the legislature ought to be proportioned to their other advantages in the state; which happens only when they form a body that has a right to check the licentiousness of the people, as the people have a right to oppose any encroachment of theirs.

The legislative power is therefore committed to the body of the nobles, and to that which represents the people, each having their assemblies and deliberations apart, each their separate views and interests.

Of the three powers above mentioned, the judiciary is in some measure next to nothing: there remain, therefore, only two; and as these have need of a regulating power to moderate them, the part of the legislative body composed of the nobility is extremely proper for this purpose.

The body of the nobility ought to be hereditary. In the first place it is so in its own nature; and in the next there must be a considerable interest to preserve its privileges – privileges that in themselves are obnoxious to popular envy, and of course in a free state are always in danger.

But as a hereditary power might be tempted to pursue its own particular interests, and forget those of the people, it is proper that where a singular advantage may be gained by corrupting the nobility, as in the laws relating to the supplies, they should have no other share in the legislation than the power of rejecting, and not that of resolving.

By the power of resolving I mean the right of ordaining, by their own authority, or of amending what has been ordained by others. By the power of rejecting I would be understood to mean the right of annulling a resolution taken by another; which was the power of the tribunes at Rome. And though the person possessed of the privilege of rejecting may likewise have the right of approving, yet this approbation passes for no more than a declaration, that he intends to make no use of his privilege of rejecting, and is derived from that very privilege.

The executive power ought to be in the hands of a monarch, because this branch of government, having need of despatch, is better administered by one than by many: on the other hand, whatever depends on the legislative power is often times better regulated by many than by a single person.

But if there were no monarch, and the executive powers should be committed to a certain number of persons selected from the legislative body, there would be an end then of liberty; by reason the two powers would be united, as the same persons would sometimes possess, and would be always able to possess, a share in both.

Were the legislative body to be a considerable time without meeting, this would likewise put an end to liberty. For of two things one would naturally follow: either that there would be no longer any legislative resolutions, and then the state would fall into anarchy; or that these resolutions would be taken by the executive power, which would render it absolute.

It would be needless for the legislative body to continue always assembled. This would

be troublesome to the representatives, and, moreover, would cut out too much work for the executive power, so as to take off its attention to its office, and oblige it to think only of defending its own prerogatives, and the right it has to execute.

Again, were the legislative body to be always assembled, it might happen to be kept up only by filling the places of the deceased members with new representatives; and in that case, if the legislative body were once corrupted, the evil would be past all remedy. When different legislative bodies succeed one another, the people who have had an opinion of that which is actually sitting may reasonably entertain some hopes of the next: but were it to be always the same body, the people upon seeing it once corrupted would no longer expect any good from its laws; and of course they would either become desperate or fall into a state of indolence.

The legislative body should not meet of itself. For a body is supposed to have no will but when it is met; and besides, were it not to meet unanimously, it would be impossible to determine which was really the legislative body; the part assembled, or the other. And if it had a right to prorogue itself, it might happen never to be prorogued; which would be extremely dangerous, in case it should ever attempt to encroach on the executive power. Besides, there are seasons, some more proper than others, for assembling the legislative body: it is fit, therefore, that the executive power should regulate the time of meeting, as well as the duration of those assemblies, according to the circumstances and exigencies of a state known to itself.

Were the executive power not to have a right of restraining the encroachments of the legislative body, the latter would become despotic; for as it might arrogate to itself what authority it pleased, it would soon destroy all the other powers.

But it is not proper, on the other hand, that the legislative power should have a right to stay the executive. For as the execution has its natural limits, it is useless to confine it; besides, the executive power is generally employed in momentary operations. The power, therefore, of the Roman tribunes was faulty, as it put a stop not only to the legislation, but likewise to the executive part of government; which was attended with infinite mischief.

But if the legislative power in a free state has no right to stay the executive, it has a right and ought to have the means of examining in what manner its laws have been executed; an advantage which this government has over that of Crete and Sparta, where the Cosmi and the Ephori gave no account of their administration.

But whatever may be the issue of that examination, the legislative body ought not to have a power of arraigning the person, nor, of course, the conduct of him who is intrusted with the executive power. His person should be sacred, because as it is necessary for the good of the state to prevent the legislative body from rendering themselves arbitrary, the moment he is accused or tried there is an end of liberty.

In this case the state would be no longer a monarchy, but a kind of republic, though not

a free government. But as the person intrusted with the executive power cannot abuse it without bad counsellors, and such as have the laws as ministers, though the laws protect them as subjects, these men may be examined and punished – an advantage which this government has over that of Gnidus, where the law allowed of no such thing as calling the Amymones to an account, even after their administration, and therefore the people could never obtain any satisfaction for the injuries done them.

Though, in general, the judiciary power ought not to be united with any part of the legislative, yet this is liable to three exceptions, founded on the particular interest of the party accused.

The great are always obnoxious to popular envy; and were they to be judged by the people, they might be in danger from their judges, and would, moreover, be deprived of the privilege which the meanest subject is possessed of in a free state, of being tried by his peers. The nobility, for this reason, ought not to be cited before the ordinary courts of judicature, but before that part of the legislature which is composed of their own body.

It is possible that the law, which is clear sighted in one sense, and blind in another, might, in some cases, be too severe. But as we have already observed, the national judges are no more than the mouth that pronounces the words of the law, mere passive beings, incapable of moderating either its force or rigour. That part, therefore, of the legislative body, which we have just now observed to be a necessary tribunal on another occasion, also is a necessary tribunal in this; it belongs to its supreme authority to moderate the law in favour of the law itself, by mitigating the sentence.

It might also happen that a subject intrusted with the administration of public affairs may infringe the rights of the people, and be guilty of crimes which the ordinary magistrates either could not or would not punish. But, in general, the legislative power cannot try causes: and much less can it try this particular case, where it represents the party aggrieved, which is the people. It can only, therefore, impeach. But before what court shall it bring its impeachment? Must it go and demean itself before the ordinary tribunals, which are its inferiors, and, being composed, moreover, of men who are chosen from the people as well as itself, will naturally be swayed by the authority of so powerful an accuser? No: in order to preserve the dignity of the people and the security of the subject, the legislative part which represents the people must bring in its charge before the legislative part which represents the nobility, who have neither the same interests nor the same passions.

Here is an advantage which this government has over most of the ancient republics, where this abuse prevailed, that the people were at the same time both judge and accuser.

The executive power, pursuant of what has been already said, ought to have a share in the legislature by the power of rejecting; otherwise it would soon be stripped of its prerogative. But should the legislative power usurp a share of the executive, the latter would be equally undone.

If the prince were to have a part in the legislature by the power of resolving, liberty

would be lost. But as it is necessary he should have a share in the legislature for the support of his own prerogative, this share must consist in the power of rejecting.

The change of government at Rome was owing to this, that neither the senate, who had one part of the executive power, nor the magistrates, who were intrusted with the other, had the right of rejecting, which was entirely lodged in the People.

Here, then, is the fundamental constitution of the government we are treating of. The legislative body being composed of two parts, they check one another by the mutual privilege of rejecting. They are both restrained by the executive power, as the executive is by the legislative.

These three powers should naturally form a state of repose or inaction. But as there is a necessity for movement in the course of human affairs, they are forced to move, but still in concert.

As the executive power has no other part in the legislative than the privilege of rejecting, it can have no share in the public debates. It is not even necessary that it should propose, because as it may always disapprove of the resolutions that shall be taken, it may likewise reject the decisions on those proposals which were made against its will.

In some ancient commonwealths, where public debates were carried on by the People in a body, it was natural for the executive power to propose and debate in conjunction with the people, otherwise their resolutions must have been attended with a strange confusion.

Were the executive power to determine the raising of public money, otherwise than by giving its consent, liberty would be at an end; because it would become legislative in the most important point of legislation.

If the legislative power was to settle the subsidies, not from year to year, but forever, it would run the risk of losing its liberty, because the executive power would be no longer dependent; and when once it was possessed of such a perpetual right, it would be a matter of indifference whether it held it of itself or of another. The same may be said if it should come to a resolution of intrusting, not an annual, but a perpetual command of the fleets and armies to the executive power.

To prevent the executive power from being able to oppress, it is requisite that the armies with which it is intrusted should consist of the people, and have the same spirit as the people, as was the case at Rome till the time of Marius. To obtain this end, there are only two ways, either that the persons employed in the army should have sufficient property to answer for their conduct to their fellow-subjects, and be enlisted only for a year, as was customary at Rome; or if there should be a standing army, composed chiefly of the most despicable part of the nation, the legislative power should have a right to disband them as soon as it pleased; the soldiers should live in common with the rest of the people, and no separate camp, barracks, or fortress should be suffered.

When once an army is established, it ought not to depend immediately on the legislative,

but on the executive power; and this from the very nature of the thing, its business consisting more in action than in deliberation.

It is natural for mankind to set a higher value upon courage than timidity, on activity than prudence, on strength than counsel. Hence the army will ever despise a senate, and respect their own officers. They will naturally slight the orders sent them by a body of men whom they look upon as cowards, and therefore unworthy to command them. So that as soon as the troops depend entirely on the legislative body, it becomes a military government; and if the contrary has ever happened, it has been owing to some extraordinary circumstances. It is because the army was always kept divided; it is because it was composed of several bodies that depended each on a particular province: it is because the capital towns were strong places, defended by their natural situation, and not garrisoned with regular troops. Holland, for instance, is still safer than Venice; she might drown or starve the revolted troops; for as they are not quartered in towns capable of furnishing them with necessary subsistence, this subsistence is of course precarious.

In perusing the admirable treatise of Tacitus ‘On the Manners of the Germans’, we find it is from that nation the English have borrowed the idea of their political government. This beautiful system was invented first in the woods.

As all human things have an end, the state we are speaking of will lose its liberty, will perish. Have not Rome, Sparta, and Carthage perished? It will perish when the legislative power shall be more corrupt than the executive.

It is not my business to examine whether the English actually enjoy this liberty or not. Sufficient it is for my purpose to observe that it is established by their laws; and I inquire no further.

Neither do I pretend by this to under value other governments, nor to say that this extreme political liberty ought to give uneasiness to those who have only a moderate share of it. How should I have any such design, I who think that even the highest refinement of reason is not always desirable, and that mankind generally find their account better in mediums than in extremes?

Harrington, in his ‘Oceana’, has also inquired into the utmost degree of liberty to which the constitution of a state may be carried. But of him, indeed, it may be said that for want of knowing the nature of real liberty he busied himself in pursuit of an imaginary one; and that he built a Chalcedon, though he had a Byzantium before his eyes.

[...]

7 Adam Smith (1723–90)

Adam Smith was born in Kirkcaldy, Scotland, in 1723, the son of a successful lawyer. He went to Glasgow University at the age of 14 and won a scholarship to Oxford in 1740. While there, reading Hume's *Treatise* persuaded him to pursue a career in writing. In 1751 he was appointed to a chair in Logic at Glasgow, and he relinquished that for a chair in Moral Philosophy in 1755. In 1752 he established a friendship with Hume which lasted until the latter's death.

In 1759 Smith published the *Theory of Moral Sentiments*, which brought him a limited amount of renown. In 1763 he resigned his academic position and became the companion of the Duke of Buccleuch on a three-year trip to Europe. This trip was a great success for Smith and allowed him to make contact with some of the leading intellectuals in France. In 1766 he returned to Scotland and retired to the family home in Kirkcaldy, where he worked in semi-secrecy for nearly ten years on the book that was to make him famous: *The Wealth of Nations*. This appeared at about the time of Hume's death and marked an immediate change in Smith's fortunes. From being known largely as a companion of Hume, he became renowned as the leading figure in the new science of political economy. As Pitt put it, at the beginning of a meeting in London, 'We will stand till you are seated, for we are all your scholars!'

Smith spent two years in London literary society and then returned to Edinburgh to a post as Commissioner of Customs. He did not write much in the last twelve years of his life but lived a sociable existence in Edinburgh. In 1787 he became Lord Rector of Glasgow University, and he died in 1790.

Like Hume, Adam Smith was intellectually active and influential during the Hanoverian period of British history. This was also a period in which Britain gained a new empire but began to lose parts of its substantial older empire in North America. It was also a period in which, internally, the Whigs, or the party of dominance of the independent gentry and aristocracy, largely controlled Parliament. Smith, like Hume, was sympathetic to the Tories, or King's party, but the political and economic ideology that he developed came to serve as a guiding principle for both sections of the ruling class: those who were, on the whole, opposed to royal power and those who were sympathetic to it. It is fair to say that Smith's ideas came to dominate the economic thinking of the ruling class during the latter part of the eighteenth century.

Not only was Georgian England dominated by a rural oligarchy of gentry and aristocracy, it also contained an influential and growing class of merchants, who prospered through trade with the new and older British empires. It was also increasingly coming to contain a class of self-made industrialists that would gradually form ties with the gentry and aristocracy through marriage. The major political problem of the period when Smith wrote his most influential work was the relationship between the American colonies and Britain. Smith's views on this matter fluctuated. At one time he wished the war against the colonists to be vigorously prosecuted. By the time he wrote the *Wealth of Nations*, however, he was considering both whether the colonists should be able to directly elect members of the British parliament and even whether retaining the colonies was economically worthwhile.

Smith is known for two major works. One on moral philosophy, *The Theory of Moral Sentiments*, was published in 1759. *The Wealth of Nations*, a work of political economy, for which he is best known, was first published in 1776. He also published *Essays on Philosophical Subjects*, which included a history of astronomy, a history of ancient logic and metaphysics, an essay on the external senses and an essay on the affinity between certain English and Italian verses. Other important works were the *Lectures on Jurisprudence* and *Lectures on Rhetoric and Belles Lettres*.

One of the issues that most animates Smith commentators is the relationship between *The Theory of Moral Sentiments* and *The Wealth of Nations*. The former sets out a theory of morality which is deeply influenced by Hume's idea that human action and suffering arouse in us ideas of approbation and disapprobation, and that, in particular, human beings are naturally inclined to sympathise with need and suffering. *The Wealth of Nations*, on the other hand, develops a theory of action in which individual self-interest plays a decisive role. This self-interest account of the moral psychology of relationships is often taken to be the foundation of both classical and non-classical mainstream economic thinking and is rarely challenged by writers within that tradition (but see Fukuyama 1995 for a partial challenge).

While there is certainly a tension between the main emphases of the two books, there is not necessarily a contradiction. The *Theory of Moral Sentiments* is not really an account of human morality as a whole and is mainly a theory of moral attitudes rather than of moral action. *The Wealth of Nations*, on the other hand, sets out an economic doctrine in which a theory of action is central to the account of the workings of the economy. So there is a difference of emphasis between the two works. However, this does not completely eliminate the tension between them, since in *The Wealth of Nations* Smith does at times suggest that self-interest is the motivating force in all our transactions with each other.

It is hardly possible to exaggerate the influence on the world of *The Wealth of Nations*. The ideas that self-interest is the driving force of the economy, that the division of labour and free trade are the keys to economic growth, and that state intervention in economic life should be kept to a minimum are all to be found in this book. In addition, Smith further developed the labour theory of value from the

ideas of Locke and argued against corporate bodies such as guilds and professional associations and against long and expensive forms of professional and industrial training. Not only did these arguments influence the repeal of the Tudor Statute of Artificers, which regulated training in the earlier part of the nineteenth century, but Smith's ideas continue to influence training policy to this day. Perhaps the most astonishing thing about Smith's influence, however, is that it is largely *indirect*. To quote an economist steeped in the Smith outlook on the world, Samuel Brittan:

The Wealth of Nations itself is not at all an easy read, and even at a gathering of Smith enthusiasts I could not find anyone who had read the whole book.

Financial Times, 30 October 1995

The Wealth of Nations is a comprehensive treatise on economics and the role of the State in economic activity. It is composed of five books, but most editions nowadays confine themselves to the first three. The book starts with an account of the division of labour, moves on to discuss the role of self-interest in economic activity, and then turns to the principles underlying prices, wages and profits. This book also contains an attack on institutions like guilds, which regulate training and control the labour market. Book II moves on to consider the nature and use of capital, and Book III considers the principles underlying different rates of prosperity and economic growth. Book IV discusses different systems of political economy, free trade and colonies. Book V deals with taxation and the role of the state in economic activity. The reading in this volume is taken from Book V and relates to the expenses of the state in respect of public works and education.

The elegance and elaborate nature of Smith's prose can be a barrier to the understanding of his ideas, but if one realises his purpose, the detail, as well as the general thrust, of the book becomes clearer. *The Wealth of Nations* is nowadays regarded as the main foundation of the science of economics. Smith made no such claims for it, but he would certainly have been pleased by the contribution which his ideas have made to the modern academic study of economics, not to mention to the practice of economic governance. The careful reader will, then, be surprised by the partisan and polemical nature of the work. It is, perhaps, something one expects from Marx's *Capital*, in which the writing is often passionate, but not from Smith, whose style is always classical and somewhat restrained. Nevertheless, the cumulative impression given by *The Wealth of Nations* is of a case being made by a lawyer (Williams 1999) to promote a particular point of view and to dismiss alternatives. Examples abound: one is his treatment of the division of labour, which ignores the fact that historically this developed, even within his own chosen example of pin-making, through a tight regulatory framework organised by guilds of artisans. His polemic against guilds and apprentices in Book I is also very partial and places undue weight on the behaviour of boys put out to apprenticeship from public charities. His defence of free trade concentrates on the most indefensible aspects of trade regulation, and his dismissal of the

case for public funding of road-building relies excessively on the partial interpretation of evidence, speculation and hearsay.

The Wealth of Nations should, then, be read as a book with which the author intended to convey a particular message about the running of economies, rather than a dispassionate treatise on the fundamental principles of political economy, whatever may be the elements of real value that can be extracted from it for this latter purpose. Once this is borne in mind, the arguments of the book become clearer, and it becomes easier to see the weaknesses in Smith's presentation of evidence and arguments. In terms of its scope and the elegance in which its ideas are expressed, it remains a classic of political economy, and it is a matter of surprise both that it is so often published in an incomplete form and that so few people read it thoroughly. The extracts from this book are taken from a little-read section, but the reader will perhaps be surprised at Brittan's comments on its difficulty as he or she comes to read them.

Smith is the repository of previous thinking about economics and politics and also foreshadows many of the developments that occurred after his death. His reflections on the role of militias and standing armies suggest the influence of Machiavelli; his account of the labour theory of value owes much to the discussion of Locke; and Hume influenced his theory of moral sentiments. His idea of the minimal state influenced Burke and, albeit with a more egalitarian and socialist emphasis, played an important role in Mill's political economy, while the labour theory of value was modified by Marx under the influence (unacknowledged) of German economists of the early nineteenth century. Smith thus stands at a focal point of a period of extraordinary fertile theorising about political economy and capitalism. Together with Locke and Mill, he is perhaps the main influence on the various strands of modern liberalism.

Given current debates about the role of the state in economic life, regulation and deregulation of labour markets, training and education, free trade and globalisation, a careful reading of Smith can provide one with insights into our contemporary preoccupations. Many of these issues were dealt with by Smith in 1776, though this is only really grasped by the comparatively few commentators who have given what Smith actually wrote the attention that it deserves. Once he is read, the strengths, and particularly the weaknesses, of his case become much more apparent.

Undoubtedly Smith's greatest contemporary influence is on the tendency in political and economic thinking known as 'neo-liberalism'. Neo-liberals very often owe him a general debt, but, significantly, often depart from his ideas in important respects. One of the most interesting of these departures lies in the area of education. Smith took it for granted that public order required a population with a minimum level of education and assumed that a degree of regulation would be necessary to ensure this. Under the influence of game theory, some modern neo-liberal commentators believe that the state should withdraw from this area as well (e.g. Tooley 1995). Smith's ideas about the self-regulation of human life thus continue to be used in ways that he would have found unexpected.

Such is the extent of his contemporary influence that important critics are

largely ignored, notably the nineteenth-century economist Friedrich List ([1841] 1991). List drew attention to the polemical and partial character of Smith's writing and argued that his advocacy of free trade suited the British empire very well. A developed manufacturing economy such as that of Britain, he argued, would have a field day competing against feeble and growing manufacturing economies. It was in the interest of the latter, List argued, to protect their manufacturers against global competition at an early stage of their growth, and to lower tariff barriers only when they had become competitive in terms of price and quality. List also drew attention to the role of the state and associations of civil society, such as guilds, in promoting what we would now call 'social capital'. Clearly Smith could not have precisely anticipated List's arguments of sixty years later, but it is notable that Smith's own arguments against protectionism do not attempt to deal with the difficulty for free trade to which List draw attention, even in general terms.

This situation has not been helped by the attention that Marx gave to Smith, while largely ignoring List, and by the general ignorance of List amongst right-wing commentators. However, current concerns about the vulnerability of developing economies under the impact of free trade and unrestricted global finance would not have surprised List in the least. Although Smith's general outlook has been eagerly pressed on various developing countries, most notably those of post-communist Eastern Europe, the developing nations of the Pacific Rim have been much more cautious about adopting them wholesale. Indeed, there is some evidence that it is List, rather than Smith, who is regarded as the most relevant model for a developing industrial economy in that region of the world (see, e.g., Fallows 1994).

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EXTRACT FROM ADAM SMITH, *THE WEALTH OF NATIONS*

Book V, Part III: Of the public works and Institutions for facilitating the Commerce of the Society

The third and last duty of the sovereign or commonwealth is that of erecting and maintaining those public institutions and those public works, which, though they may be in the highest degree advantageous to society, are, however, of such a nature, that the profit could never repay the expence to any individual or small number of individuals, and which it therefore cannot be expected that any individual or small number of individuals should erect or maintain. The performance of this duty requires two very different degrees of expence in the different periods of society.

After the public institutions and public works necessary for the defence of the society, and for the administration of justice, both of which have already been mentioned, the other works and institutions of this kind are chiefly those for facilitating the commerce of the society, and those for promoting the instruction of the common people. The institutions for instruction are of two kinds; those for the education of the youth and those for the instruction of people of all ages. The consideration of the manner in which the expence of those different sorts of public works and institutions may be most properly defrayed, will divide this third part of the present chapter into three different articles.

Article I

Of the public Works and Institutions for facilitating the Commerce of the Society

AND, FIRST, OF THOSE WHICH ARE NECESSARY FOR
FACILITATION OF COMMERCE IN GENERAL

That the erection and maintenance of the public works with facilitate the commerce of any country, such as good roads, bridges, navigable canals, harbours, &c. must require very different degrees of expence in the different periods of society, is evident without any proof, The expence of making, and maintaining the public roads of any country must evidently increase with the annual produce of the land and labour of that country, or with the quantity and weight of the goods which it becomes necessary to fetch and carry upon those roads. The strength of a bridge must be suited to the number and weight of the carriages, which are likely to pass over it. The depth and the supply of water for a navigable canal must be proportioned to the number and tunnage of the lighters, which are likely to carry goods upon it; the extent of a harbour to the number of the shipping which are likely to take shelter in it.

It does not seem necessary that the expence of those public works should be defrayed from that public revenue, as it is commonly called, of which the collection and application are

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in most countries assigned to the executive power. The greater part of such public works may easily be managed, as to afford a particular revenue sufficient for defraying their own expence, without bringing any burden upon the general revenue of the society.

A highway, a bridge, a navigable canal, for example, may in most cases be both made and maintained by a small toll upon the carriages which make use of them: a harbour, by a moderate port-duty upon the tunnage, of the shipping which load or unload in it. The coinage, another institution for facilitating commerce, in many countries, not only defrays its own expence, but affords a small revenue or seignorage to the sovereign. The post-office, another institution for the same purpose, over and above defraying its own expence, affords in almost all countries a very considerable revenue to the sovereign.

When the carriages which pass over a highway or a bridge, and the lighters which sail upon a navigable canal, pay toll in proportion to their weight or their tunnage, they pay for the maintenance of those public works exactly in proportion to the wear and tear which they occasion of them. It seems scarce possible to invent a more equitable way of maintaining such works. This tax or toll too, though it is advanced by the carrier, is finally paid by the consumer, to whom it must always be charged in the price of the goods. As the expence of carriage, however, is very much reduced by means of such public works, the goods, notwithstanding the toll, come cheaper to the consumer than they could otherwise have done; their price not being so much raised by the toll, as it is lowered by the cheapness of the carriage. The person who finally pays this tax, therefore, gains by the application, more than he loses by the payment of it. His payment is exactly in proportion to his gain. It is in reality no more than a part of that gain which he is obliged to give up in order to get the rest. It seems impossible to imagine a more equitable method of raising a tax.

When the toll upon carriages of luxury, upon coaches, post-chaises, &c. is made somewhat higher in proportion to their weight than upon carriages of necessary use, such as carts, waggons, &c. the indolence and vanity of the rich is made to contribute in a very easy manner to the relief of the poor, by rendering cheaper the transportation of heavy goods to all the different parts of the country.

When high roads, bridges, canals, &c. are in this manner made and supported by the commerce which is carried on by means of them, they can be made only where that commerce requires them, and consequently where it is proper to make them. Their expence too, their grandeur and magnificence, must be suited to what that commerce can afford to pay. They must be made consequently as it is proper to make them. A magnificent high road cannot be made through a desert country where there is little or no commerce, or merely because it happens to lead to the country villa of the intendant of the province, or to that of some great lord to whom the intendant finds it convenient to make his court. A great bridge cannot be thrown over a river at a place where nobody passes, or merely to embellish the view from the windows of a neighbouring palace: things which sometimes happen, in countries where

works of this kind are carried on by any other revenue than that which they themselves are capable of affording.

In several different parts of Europe the toll or lock-duty upon a canal is the property of private persons, whose private interest obliges them to keep up the canal. If it is not kept, in tolerable order, the navigation necessarily ceases altogether, and along with it the whole profit which they can make by the tolls. If those tolls were put under the management of commissioners, who had themselves no interest in them, they might be less attentive to the maintenance of the works which produced them. The canal of Languedoc cost the king of France and the province upwards of thirteen millions of livres, which (at twenty-eight livres the mark of silver, the value of French money in the end of the last century) amounted to upwards of nine hundred thousand pounds sterling. When that great work was finished, the most likely method, it was found, of keeping it in constant repair was to make a present of the tolls to Riquet the engineer, who planned and conducted the work. Those tolls constitute at present a very large estate to the different branches of the family of that gentleman, who have, therefore, a great interest to keep the work in constant repair. But had those tolls been put under the management of commissioners who had no such interest, they might perhaps, have been dissipated in ornamental and unnecessary expences, while the most essential parts of the work were allowed to go to ruin.

The tolls for the maintenance of a big road cannot with any safety be made the property of private persons. A high road, though entirely neglected, does not become altogether impassable, though a canal does. The proprietors of the tolls upon a high road, therefore, might neglect altogether the repair of the road, and yet continue to levy nearly the same tolls. It is proper therefore, that the tolls for the maintenance of such a work should be put under the management of commissioners or trustees.

In Great Britain, the abuses which the trustees have committed in the management of those tolls, have, in many cases, been very justly complained of. At many turnpikes, it has been said, the money levied is more than double of what is necessary for executing, in, the completest manner, the work which is often executed in a very slovenly manner and sometimes not executed at all. The system of repairing the high roads by tolls of this kind, it must be observed, is not of very long standing. We should not wonder, therefore, if it has not yet been brought to that degree of perfection of which it seems capable. If mean and improper persons are frequently appointed trustees; and if proper courts of inspection and account have not yet been established for controlling their conduct, and for reducing the tolls to what is barely sufficient for executing the work done by them; the recency of the institution both accounts and apologizes for those defects of which, by the wisdom of parliament, the greater part may in due time be gradually remedied.

The money levied at the different turnpikes in Great Britain is supposed to exceed so much what is necessary for repairing the roads, that the savings, which, with proper oeconomy, might be made from it, have been considered, even by some ministers, as a very great resource which at some time or another be applied to the exigencies of the state. Government, it has

been said, by taking the management of the turnpikes into its own hands, and by employing the soldiers who would work for a very small addition to their pay, could keep the roads in good order at a much less expence than it can be done by trustees who have no other workmen to employ, but such as derive their whole subsistence from their wages. A great revenue, half a million, perhaps¹ it has been pretended, might in this manner be gained without laying any new burden upon the people and the turnpike roads might be made to contribute to the general expence of the state, in the same manner as the post-office does at present.

That a considerable revenue might be gained in this manner, I have no doubt, though probably not near so much, as the projectors of this plan have supposed. The plan itself, however, seems liable to several very important objections.

First, if the tolls which are levied at the turnpikes should ever be considered as one of the resources for supplying the exigencies of the state, they would certainly be augmented as those exigencies were supposed to require. According to the policy of Great Britain, therefore, they would probably be augmented very fast. The facility with which a great revenue could be drawn from them, would probably encourage administration to recur very frequently to this resource. Though it may, perhaps, be more than doubtful, whether half a million could by any oeconomy be saved out of the present tolls, it can scarce be doubted but that a million might be saved out of them; if they were doubled; and perhaps two millions, if they were tripled.² This great revenue too might be levied without the appointment of a single new officer to collect and receive it. But the turnpike tolls being continually augmented in this manner, instead of facilitating the inland commerce of the country, as at present, would soon become a very great encumbrance upon it. The expence of transporting all heavy goods from one part of the country to another would soon be so much increased, the market for all such goods, consequently, would soon be so much narrowed, that their production would be in a great measure discouraged, and the most important branches of the domestic industry of the country annihilated.

Secondly, a tax upon, carriages in proportion their weight, though a very equal tax when applied to the sole purpose of repairing the roads, is a very unequal one, when applied to any other purpose, or to supply the common exigencies of the state. When it is applied to the sole purpose above mentioned, each carriage is supposed to pay exactly for the wear and tear which that carriage occasions of the roads. But when it is applied to any other purpose, each carriage is supposed to pay for more than that wear and tear, and contributes to the supply of some other exigency of the state. But as the turnpike toll raises the price of goods in proportion to their weight, and not to their value, it is chiefly paid by the consumers of coarse and bulky, not by those of precious and light commodities. Whatever exigency of the state therefore, this tax might be intended to supply, that, exigency would be chiefly supplied at the expense of the poor, not of the rich, at the expence of those who are least able to supply it, not of those who are most able.

Thirdly, if government should at any time neglect the reparation of the high roads, it

would be still more difficult than it is at present, to compel the proper application of any part of the turnpike tolls. A large revenue might thus be levied upon the people, without any part of it being applied to the only purpose to which a revenue levied in this manner ought ever to be applied. If the meanness and poverty of the trustees of turnpike roads render it sometimes difficult at present to oblige them to repair their wrong; their wealth and greatness would render it ten times more so in the case which is here supposed.

In France, the funds destined for the reparation of the high roads are under the immediate direction of the executive power. Those funds consist, partly in a certain number of days labour which the country people are in most parts of Europe obliged to give to the reparation of the highways; and partly such a portion of the general revenue of the state as the king chuses spare from his other expences.

By the ancient law of France, as well as by that of most other parts of Europe the labour of the country people was under the direction of a local or provincial magistracy, which had no immediate dependency upon the king's counsel. But by the present practice both the labour of the country people, and whatever other fund the king may chuse to assign for the reparation of the roads in any particular province or generality, are entirely under the management of the intendant; an officer who is appointed and removed by the king's council, who receives his orders from him and is in constant correspondence with it. In the progress of despotism the authority of the executive power gradually absorbs that of every other power in the state, and assumes to itself the management of every branch of revenue which is destined for the public purpose. In France, however, the great post-roads, the roads which make the communication between the principal towns of the kingdom, are in general kept in good order; and in some provinces are even a good deal superior to the greater part of the turnpike roads of England. But what we call the cross-roads, that is, the far greater part of the roads in the country, are entirely neglected and are in many places absolutely impassable for any heavy carriage. In some places it is even dangerous to travel by horseback, and mules are the only conveyance which can safely be trusted. The proud minister of an ostentatious court may frequently take pleasure in executing a work of splendour and magnificence, such as a great highway, which is frequently seen by the principal nobility, whose applauses not only flatter his vanity, but even contribute to support his interest at court. But to execute a great number of little works in which nothing that can be done can make any great appearance, or excite the smallest degree of admiration in any traveller, and which, in short, have nothing to recommend them but their extreme utility, is a business which appears in every respect too mean and paltry to merit the attention of so great a magistrate. Under such an administration, therefore, such works are almost always entirely neglected.

In China, and in several other governments of Asia, the executive power charges itself both with the reparation of the high roads, and with the maintenance of the navigable canals. In the instructions which are given to the governor of each province, those objects, it is said, are constantly recommended to him, and the judgment which the court forms of his conduct

is very much regulated by the attention which he appears to have paid to this part of his instructions. This branch of public police accordingly is said to be very much attended to in all those countries, but particularly in China, where the high roads and still more the navigable canals, it is pretended, exceed very much every thing of the same kind which is known in Europe. The accounts of those works, however, which have been transmitted to Europe, have generally been drawn up by weak and wondering travellers; frequently by stupid and lying missionaries. If they had been examined by more intelligent eyes, and if the accounts of them had been reported by more faithful witnesses, they would not, perhaps, appear to be so wonderful. The account which Bernier gives of some works of this kind in Indostan, falls very much short of what had been reported of them by other travellers, more disposed to the marvellous than he was. It may too, perhaps, be in those countries, as it is in France, where the great roads, the great communications which are likely to be the subjects of conversation at the court and in the capital, are attended to, and all the rest neglected. In China, besides, in Indostan, and in several other governments of Asia, the revenue of the sovereign arises almost altogether from a land-tax or land-rent, which rises or falls with the rise and fall of the annual produce of the land. The great interest of the sovereign, therefore, his revenue, is in such countries necessarily and immediately connected with the cultivation of the land, with the greatness of its produce, and with the value of its produce. But in order to render that produce both as great and as valuable as possible, it is necessary to procure to it as extensive a market as possible, and consequently to establish the freest, the easiest, and the least expensive communication between all the different parts of the country; which can be done only by means of the best roads and the best navigable canals. But the revenue of the sovereign does not, in any part of Europe, arise chiefly from a land-tax or land-rent. In all the great kingdoms of Europe, perhaps, the greater part of it may ultimately depend upon the produce of the land. But that dependency is neither so immediate, nor so evident. In Europe therefore, the sovereign does not feel, himself so directly called upon to promote the increase, both in quantity and value, of the produce of the land, or, by maintaining good roads and canals, to provide the most extensive market for that produce. Though it should be true, therefore, what I apprehend is not a little doubtful, that in some parts of Asia this department of the public police is very properly managed by the executive power, there is not the least probability that during the present state of things, it could be tolerably managed by that power in any part of Europe.

Even those public works which are of such a nature that they cannot afford any revenue for maintaining themselves, but of which the convenience is nearly confined to some particular place or district, are always better maintained by a local or provincial revenue, under the management of a local and provincial administration than by one general revenue of the state, of which the executive power must always have the management.

Were the streets of London to be lighted and paved at the expence of the treasury, is

there any probability that they would be as well lighted and paved as they are at present, or even, at so small an expence? The expence, besides, instead of being raised by a local tax upon the inhabitants of each particular street, parish, or district in London, would, in this case, be defrayed out of the general revenue of the state, and would consequently be raised by a tax upon all the inhabitants of the kingdom, of whom the greater part derive no sort of benefit from the lighting and paving of the streets of London.

The abuses which sometimes creep into the local and provincial administration of a local and provincial revenue, how enormous soever they may appear, are in reality, however, almost always very trifling, in comparison of those which commonly take place in the administration and expenditure of the revenue of a great empire. They are, besides, much more easily corrected. Under the local or provincial administration of justices of the peace in Great Britain, the six days labour which the country people are obliged to give to the reparation of the highways, is not always perhaps very judiciously applied, but it is scarce ever exacted with any circumstance of cruelty or oppression. In France, under the administration of the intendants, the application is not always more judicious and the exaction is frequently the most cruel and oppressive. Such Corvees, as they are called, make one of the principal instruments of tyranny by which those officers chastise any parish or communeaute which has had the misfortune to fall under their pleasure.

[...]

Article II

Of the Expence of the Institutions for the Education of Youth

There are no public institutions for the edification of women, and there is accordingly nothing useless, absurd or fantastical in the common course of their education. They are taught what their parents or guardians judge it necessary for them to learn ; and they are taught nothing else. Every part of their education tends evidently to some useful purpose; either to improve the natural attractions of their person, or to form their mind to reserve, to modesty, to chastity and to oeconomy; to render them both likely to become the mistress of a family and to behave properly when they have become such. In every part of her life a woman feels some conveniency or advantage from every part of her education. It seldom happens that a man, in any part of his life, derives any convenience or advantage from some of the most laborious and troublesome parts of his education.

Ought the public, therefore, to give no attention, it may be asked, to the education of the people? Or if it ought to give any, what are the different parts of education which it ought to attend to, in the different orders of the people? and in what manner ought it to attend to them ?

In some cases the state of society necessarily places the greater part of individuals in such situations as naturally form in them, without any attention of government, all the

abilities and virtues which that state requires or perhaps can admit of. In some cases the state of the society does not place the greater part of individuals in such situations, and some attention of government is necessary in order to prevent the almost entire corruption and degeneracy of the great body of the people.

In the progress of the division of labour, the employment of the far greater part of those who live by labour, that is, of the great body of the people, comes to be confined to a few very simple operations; frequently to one or two. But the understandings of the greater part of men are necessarily formed by their ordinary employments. The man whose whole life is spent in performing a few simple operations, of which the effects are, perhaps, always the same, or very nearly the same, has no occasion to exert his understanding, or to exercise his invention in finding out expedients for removing difficulties which never occur. He naturally loses, therefore, the habit of such exertion, and generally becomes as stupid and ignorant as it is possible for human creature to become. The torpor of his mind renders him, not only incapable of relishing or bearing, a part in any rational conversation, but of conceiving any generous, noble, or tender sentiment, and consequently of forming any just judgment concerning many even of the ordinary duties of private life. Of the great and extensive interests of his country he is altogether incapable of judging; and unless very particular pains have been taken to render him otherwise, he is equally incapable of defending his country in war. The uniformity of his stationary life naturally corrupts the courage of his mind, and makes him regard with abhorrence the irregular, uncertain, and adventurous life of a soldier. It corrupts even the activity of his body, and renders him incapable of exerting his strength with vigour and perseverance in any other employment than that to which he has been bred. His dexterity at his own particular trade seems, in this manner, to be acquired at the expence of his intellectual, social and martial virtues. But in every improved and civilized society this is the state into which the labouring poor, that is, the great body of the people, must necessarily fall, unless government takes some pains to prevent it.

It is otherwise in the barbarous societies, as they are commonly called, of hunters, of shepherds, and even of husbandmen in that rude state of husbandry which precedes the improvement of manufactures, and the extension of foreign commerce. In such societies the varied occupations of every man oblige every man to exert his capacity, and to invent expedients for removing difficulties which are continually occurring. Invention is kept alive, and the mind is not suffered to fall into that drowsy stupidity, which, in a civilized society, seems to benumb the understanding of almost all the inferior ranks of people. In those barbarous societies, as they are called, every man, it has already been observed, is a warrior. Every man too is in some measure a statesman, and can form a tolerable judgment concerning the interest of the society, and the conduct of those who govern it. How far their chiefs are good judges in peace and leaders in war, is obvious to the observation of almost every single man among them. In such a society, indeed, no man can well acquire that improved and refined understanding, which a few men sometimes possess in a more civilized state. Though in a

rude society there is a good deal of variety in the occupations of every individual, there is not a great deal in those of the whole society. Every man does, or is capable of doing, almost everything which any other man does, or is capable of doing. Every man has a considerable degree of knowledge, ingenuity and invention; but scarce any man has a great degree. The degree however, which is commonly possessed, is generally sufficient for conducting the whole simple business of the society. In a civilized state, on the contrary, though there is little variety in the occupations of the greater part of individuals, there is an almost infinite variety in those of the whole society. These varied occupations present an almost infinite variety of objects to the contemplation of those few, who, being attached to no particular occupation themselves, have leisure and inclination to examine the occupations of other people. The contemplation of so great a variety of objects necessarily exercises their minds in endless comparisons and combinations, and renders their understandings, in an extraordinary degree, both acute and comprehensive. Unless those few, however, happen to be placed in some very particular situations, their great abilities, though honourable to themselves, may contribute very little to the good government or happiness of their society. Notwithstanding the great abilities of those few, all the nobler part of the human character may be, in a great measure, obliterated and extinguished in the great body of the people.

The education of the common people requires, perhaps, in a civilized and commercial society, the attention of the public more than that of people of some rank and fortune. People of some rank and fortune are generally eighteen or nineteen years of age before they enter upon that particular business, profession or trade, by which they propose to distinguish themselves in the world. They have before that full time to acquire, or at least to fit themselves for afterwards acquiring, every accomplishment which can recommend them to the public esteem, or render them worthy of it. Their parents or guardians are generally sufficiently anxious that they should be so accomplished, and are, in most cases, willing enough to lay out the expence which is necessary for that purpose. If they are not always properly educated, it is seldom from the want of expence laid out upon their education; but from the improper application of that expence. It is seldom from the want of masters; but from the negligence and incapacity of the masters who are to be had, and from the difficulty, or rather from the impossibility which there is, in the present state of things, of finding any better. The employments too in which people of some rank or fortune spend the greater part of their lives are not, like those of the common people, simple and uniform. They are almost all of them extremely complicated, and such as exercise the head more than the hands. The understandings of those who are engaged in such employments can seldom grow torpid for want of exercise. The employments of people of some rank and fortune, besides, are seldom such as harass them from morning to night. They generally have a good deal of leisure, during which they may perfect themselves in every branch either of useful or ornamental knowledge of which they may have laid the foundation, or for which they may have acquired some taste in the earlier part of life.

It is otherwise with the common people. They have little time to spare, for education. Their parents can scarce afford to maintain them even in infancy. As soon as they are able to work, they must apply to some trade by which they can earn their subsistence. That trade too is generally so simple and uniform as to give little exercise to the understanding; while, at the same time, their labour is both so constant and so severe, that it leaves them little leisure and less inclination to apply to, or even to think of any thing else.

But though the common people cannot, in any civilized society, be so well instructed as some people of rank and fortune, the most essential parts of education, however, to read, write and account, can be acquired at so early a period of life, that the greater part even of those who are to be bred to the lowest occupations, have time to acquire them before they can be employed in those occupations. For a very small expence the public can facilitate, can encourage, and can even impose upon almost the whole body of the people, the necessity of acquiring those most essential parts of education.

The public can facilitate this acquisition by establishing in every parish or district a little school, where children may be taught for a reward so moderate, that even a common labourer may afford it; the master being partly, but not wholly paid by the public; because, if he was wholly, or even principally paid by it, he would soon learn to neglect his business. In Scotland the establishment of such parish schools has taught almost the whole common people to read, and a very great proportion of them to write and account. In England the establishment of charity schools has had an effect of the same kind, though not so universally, because the establishment is not so universal. If in those little schools the books by which the children are taught to read, were a little more instructive than they commonly are; and if, instead, of a little smattering of Latin, which the children of the common people are sometimes taught there, and which can scarce ever be of any use to them; they were instructed in the elementary parts of geometry and mechanics, the literary education of this rank of people would perhaps be as complete as it can be. There is scarce a common trade which does not afford some opportunities of applying to it the principles of geometry and mechanics, and which would not therefore gradually exercise and improve the common people in those principles, the necessary introduction to the most sublime as well as to the most useful sciences.

The public can encourage the acquisition of most essential parts of education by giving small premiums, and little badges of distinction to the children of the common people who excel in them.

The public can impose upon almost the whole body of the people the necessity of acquiring those most essential parts of education, by obliging every man to undergo an examination or probation in them before he can obtain the freedom in any corporation, or be allowed to set up any trade either in a village or town corporate.

It was in this manner, by facilitating late acquisition of their military and gymnastic exercises, by encouraging it, and even by imposing upon the whole body of the people the necessity of learning those exercises, that the Greek and Roman republics maintained the

martial spirit of their respective citizens. They facilitated the acquisition of those exercises by appointing a certain place for learning and practising, them, and by granting to certain masters the privilege of teaching in that place. Those masters do not appear to have had either salaries or exclusive privileges of any kind. Their reward consisted altogether in what they got from their scholars; and a citizen who had learnt his exercises in the public gymnasia, had no sort of legal advantage over one who had learnt them privately, provided the latter had learnt them equally well.

Those republics encouraged the acquisition of those exercises, by bestowing little premiums and badges of distinction upon those who excelled in them. To have gained a prize in the Olympic, Isthmian or Nemean games gave illustration, not only to the person who gained it, but to his whole family and kindred. The obligation which every citizen was under to serve a certain number of years, if called upon, in the armies of the republic, sufficiently imposed the necessity of learning those exercises without which he could not be fit for that service.

That in the progress of improvement the practice of military exercises, unless government takes proper pains to support it, goes gradually to decay, and, together with it, the martial spirit of the great body of the people, the example of modern Europe sufficiently demonstrates. But the security of every society must always depend, more or less, upon the martial spirit of the great body of the people. In the present times, indeed, that martial spirit alone, and unsupported by a well-disciplined standing army, would not, perhaps, be sufficient for the defence and security of any society. But where every citizen had the spirit of a soldier, a smaller standing army would surely be requisite. That spirit, besides, would necessarily diminish very much the dangers to liberty, whether real or imaginary, which are commonly apprehended from a standing army. As it would very much facilitate the operations of that army against a foreign invader, so it would obstruct them if unfortunately they ever be directed against the constitution of the state.

The ancient institutions of Greece and Rome seem to have been much more effectual, for maintaining the martial spirit of the great body of the people, than the establishment of what are called the militias of modern times. They were much more simple. When they were once established they executed themselves and it required little or no attention from government to maintain them in the most perfect vigour. Whereas to maintain, even in tolerable execution, the complex regulations of any modern militia, requires the continual and painful attention of government, without which they are constantly falling into total neglect and disuse. The influence besides, of the ancient institutions was much more universal. By means of them the whole body of the people was completely instructed in the use of arms. Whereas it is but a very small part of them who can ever be so instructed by the regulations of any modern militia, except, perhaps, that of Switzerland. But a coward, a man incapable either of defending or of revenging himself, evidently wants one of the most essential parts of the character of a man. He is as much mutilated and deformed in his mind as another is in his body who is either deprived of some of its most essential members, or has lost the use of them. He is evidently

the more wretched and miserable of the two; because happiness and misery, which reside altogether in the mind, must necessarily depend more upon the healthful or unhealthful, the mutilated or entire state of the mind, than upon that of the body. Even though the martial spirit of the people were of no use towards the defence of the society, yet to prevent that sort of mental mutilation, deformity and wretchedness, which cowardice necessarily involves in it, from spreading themselves through the great body of the people, would still deserve the most serious attention of government; in the same manner as it would deserve the most serious attention to prevent a leprosy or other loathsome and offensive disease, though neither mortal nor dangerous, from spreading itself among them; though perhaps, no other public good might result from such attention besides the prevention of so great a public evil.

The same thing may be said of the gross ignorance and stupidity which, in a civilized society, seem so frequently to benumb the understandings of the inferior ranks of people. A man without the proper use of the intellectual faculties of a man is, if possible, even more contemptible than a coward, and seems to be mutilated and deformed in a still more essential part of the character of human nature. Though the state was to derive no advantage from the instruction of the inferior ranks of people, it would still deserve its attention that they should not be altogether uninstructed. The state, however, derives no inconsiderable advantage from their education. The more they are instructed, the less liable they are to the delusions of superstition and enthusiasm, which, among ignorant nations, frequently occasion the most dreadful disorders. An instructed and intelligent people besides, are always more decent and orderly than an ignorant and stupid one. They feel themselves, each individually, more respectable, and more likely to obtain the respect of their lawful superiors, and they are therefore more disposed to respect those superiors. They are more disposed to examine, and more capable of seeing through, the interested complaints of faction and sedition, and they are, upon that account, less apt to be misled into any wanton or unnecessary opposition to the measures of government. In free countries, where the safety of government depends very much upon the favourable judgment which the people may form of its conduct, it must surely be of the highest importance that they should not be disposed to judge rashly or capriciously concerning it.

Notes

1. Since publishing the two first editions of this book I have got good reasons to believe that all the turnpike tolls in Great Britain do not produce a neat revenue that amounts to half a million; a sum which, under the management of Government, would not be sufficient to keep in repair five of the principal roads in the kingdom.
2. I have now good reasons to believe that all these conjectural sums are by much too large.

8 Jean-Jacques Rousseau (1712–78)

Jean-Jacques Rousseau was born in the Swiss city-state of Geneva in 1712 but he moved to France at the age of sixteen. He was to gain notoriety in France in the middle of the eighteenth century with his literary work on a range of issues. He originally came to prominence with his *Discourse on Science and the Arts* which won first prize in an essay competition organised by the Académie de Dijon in 1750. Subsequently Rousseau engaged with the Enlightenment figures of the *Encyclopédie* in pre-Revolutionary France, such as Voltaire and Diderot. However, despite his important contributions, arguments developed between Rousseau and the other *philosophes*, and he became increasingly peripheral, due to his radical beliefs and the gradual evolution of his defence of simple lifestyles against the high life favoured by his former friends in Paris. His most notable political works were his *Dissertation on the Origin and Foundation of the Inequality of Mankind* (1755) and *The Social Contract* (1762). However he was equally proficient in musicology, educational theory, botany and literature.

Following the publication of *The Social Contract* (and *Emile* in the same year) Rousseau was forced to flee Paris and Geneva, and he spent some time with David Hume in England, before arguing with him too. He eventually returned to France in 1767 and married Thérèse Lavasseur a year later. Rousseau lived a secluded though prolific life thereafter before dying aged 66 in Ermenonville. Although it is frequently asserted that he died unhappy, mad and suicidal (McClelland 1996: 250), there is some evidence to suggest that he took pleasure in the solitude and simplicity of his later life, which enabled him to enjoy the natural environment around him and acquire a principled position from which to rail against the aristocratic privilege which so horrified him.

Rousseau is often presented as a far-sighted architect of the events of the French Revolution of 1789 and indeed the events of the Terror thereafter. However, it is difficult to link developments that happened after his death directly to his thought. Certainly his writings inspired the republican revolutionaries, and, as we shall see, there are ambiguities in his work (not least about the form of government) which could be interpreted in an authoritarian fashion. Studying Rousseau's thought in depth, though, shows little indication of support for repression, and – perhaps more than many of the thinkers in this book – he focused on the issue of consent as an embodiment of human liberty and equality.

What is clear is that Rousseau held a deep contempt for the social, economic and political inequalities which characterised the world he witnessed in eighteenth-century France: here was an environment where success and wealth depended on aristocratic patronage rather than the intrinsic worth of the individual. He regarded the authoritative position of the aristocracy, a class which had acquired wealth and 'legitimacy' through persecution and theft, as the supreme manifestation of social inequality, and he saw these hierarchical social arrangements as a form of social unfreedom in which the rights of the less privileged were trodden down by the rich and powerful. Instead he proffered the exemplar of ancient Sparta as a system where hierarchy was minimised and individuals had much greater control over their everyday lives. It was his discomfort with the society in which his fellow *philosophes* moved that eventually led Rousseau to seek out a simpler life in which he could theorise political arrangements that would directly counteract the *ancien régime*.

In the *Discourse on Science and the Arts* we begin to see the foundations of the philosophical background which informed Rousseau's politics. Here we can observe Rousseau – a believer in the human capacity to reason, despite his valorisation of sentiment – challenging some of the key principles of Enlightenment rationalism. He presents the argument that the march of progress is not a movement that embodies constant improvement and refinement of human existence. Rather the opposite: society becomes increasingly sophisticated and complex, and old certainties are washed away, to be replaced by ephemeral phenomena which obscure the simple lifestyle that had characterised humanity in the state of nature. It was this rebuttal of traditional Enlightenment thought which marked out Rousseau as a powerful and original thinker. The *Dissertation on the Origin and Foundation of the Inequality of Mankind*, published in 1755, marked him out as an important political philosopher, particularly as it set out his concern that unjust inequalities derived from the existence of private property. Not only this, but government and the political regime came to be organised by the wealthy and powerful, and so government was used to bolster their position at the pinnacle of the social hierarchy. In this sense the march of progress saw a flawed legitimacy being acquired for social inequalities which Rousseau found highly objectionable. Indeed such was the institutionalisation of inequalities and their justification in political arrangements that he felt that a return to the simple and peaceful state of nature was not a feasible objective.

Emile, published in 1762, although an educational tract is, at the same time, a full account of the psychological ramifications of inequality. Rousseau is concerned that children should be brought up without any overt imposition on them of another's will, and that they should not have the opportunity to impose their will overtly on others. Only in such a situation would they attain a healthy self-respect (*amour propre*) and thus be fit to enter freely and as equals into a contract to govern society (see Dent 1988).

These ideas were developed and refined in Rousseau's most famous political work *The Social Contract*. It is clear that by 1762 he was becoming more concerned with the nature of sovereignty and government and the overcoming of inequalities

in a politics which promoted both equality and liberty. It is in this book that the key concepts which he uses to promote his version of a new social contract are identified. Here he develops his complicated notion of the general will, which is central to his theory of sovereignty and consequently to his perspective on government and the law. The book is a powerful indictment of hierarchical political institutions, and yet it remains open to question whether *The Social Contract* itself may not provide a recipe for hierarchy and authoritarianism under the auspices of radical democracy. Certainly Rousseau – with his primary concern for human liberty and the equal experience of it – was not a totalitarian (Cole 1993: xlix), but many critics have been quick to point out the results that have ensued when supporters, such as the Jacobins, have tried to put his philosophical ideas into political practice.

The *Second Discourse* and *The Social Contract* are the key texts of political thought in Rousseau's body of work, and therefore they will be the focus here. Nonetheless it should be acknowledged that his writings involved studies of political economy for the *Encyclopédie* and work on political institutions, particularly those of Corsica and Poland. He also produced popular literature, such as *La Nouvelle Héloïse*, as well as operas and studies of music. Perhaps more than those of any other thinker in the history of Western political thought, Rousseau's ideas were guided by his own experience and the paradoxes he encountered. It should therefore be noted that the complex way in which his life and his thought were interwoven can be identified through the autobiographical *Les Confessions* and other works written towards the end of his life.

The *Second Discourse* provides us with the reasoning behind Rousseau's assumption that freedom and equality are entities which support rather than contradict one another. He is concerned with recapturing some of the liberty and equality that pertained to individuals in the state of nature. This is not to say that the pursuit of equality is to interfere with natural difference, for Rousseau is clearly aware of natural inequalities between people. However he believes that natural differences of intelligence, strength and gender are essentially benign, in the sense that they do not of themselves lead to a state of war or persecution. What concerned him more was the existence of manufactured inequalities, which created political inequality. The society characterised by the outcome of progress saw massive inequalities of wealth, and consequently vast differentials of power and authority; in the modern world the primacy of self-interest rode roughshod over other natural dispositions, such as pity and compassion. Inequality, then, was a product of progress, and that progress brought about a Hobbesian state of war. But this state of war was neither natural nor were the combatants equally endowed. Essentially, the battle had become one in which the wealthy and powerful fought to protect their position from the weak. For Rousseau, the reason behind this parlous state was clear:

All the crimes of humanity ... were due ultimately to the appropriation of the earth by some individuals at the expense of others ... but not only was the

institution of private property responsible for the emergence of war; it must also have accounted for the establishment of government.

(Wokler 1995: 124)

In this sense, then, Rousseau identified corruption in the role of government, as it served to protect the establishment of the propertied classes and therefore to further manufacture and reproduce inequality. To set against this politics of inequality and violence, he offered a vision of a society which, whilst different to the irretrievable state of nature, was still a simpler and more virtuous political community. It was this vision which inspired Rousseau to outline a social contract which would be predicated upon the notion of the general will.

In *The Social Contract* Rousseau attempted to outline a theory of sovereignty which was founded in principles of liberty and embodied egalitarianism. The compact was to establish the relationship between the people and the state, and the liaison was to be entered into freely by individuals. The conception of liberty at work here was obviously envisaged in a strong form. Rousseau went beyond the idea of 'negative liberty' – the freedom of individuals to act without restraint from the state or others – and argued that the social contract would provide a more positive form of liberty. Thus individuals had to be provided with substantive opportunities and the capacity to embark freely upon elective, self-determined courses of action.

Obviously this involved a role for the state in guaranteeing that individual liberties were protected. The state was not autonomous, however. It always relied upon the consent of the people, since sovereignty always lay with the citizen body. Thus, for Rousseau, compliance with the laws set out by the state was not a constraint on individual freedom, because those laws derived their authority not from the state itself but from the sovereign body of citizens of which each individual was a part. Thus, to transgress against the law was to deny one's own freedom. It was this reasoning which led to one of Rousseau's most often quoted (and perhaps most misunderstood) ideas – that individuals would be 'forced to be free'. In effect this meant little more than that it was in collective bodies, and the laws which provided civil liberties therein, that individuals experienced their freedoms most profitably. In this sense, 'liberty would not be lost so much as gained when, in giving up our right to do as we please, we bind ourselves collectively to act as we choose' (Wokler 1995: 128). By the creation of a social contract in which the sovereignty of the people was established, the principle of consent to the functional role of the state was also put in place.

This brings us to perhaps the most significant concept in Rousseau's work: the notion of the general will. The argument constructed in *The Social Contract* puts heavy emphasis on our ability to set the common good above narrow self-interest. In other words, we could educate citizens (as happened in Geneva, according to Rousseau) to place their capacity for sympathy with common objectives above the egotistic urges which brought about violence and inequality. Thus he believed that an understanding of the general will lay within us all. No one would construct a general will and impose it upon those around them. Rather we had an

innate understanding of the general will, just as we understood our own 'particular will' (self-interest). Moreover, Rousseau was clearly aware of the conflict that was created if everyone followed their own agenda. Therefore he differentiated between the general will, which embodied the common good, and the 'will of all', which was no more than the sum total of particular wills and therefore involved conflict and dissension. It is fair to say that Rousseau was ambivalent about what the general will would actually look like when it came to practical politics, but it can be seen as the expression of the common intention of free and equal citizens in a polity to bind themselves and their fellow citizens to common decisions. At the same time, it is obvious how this kind of notion could be appropriated by those with less benign intentions in mind than Rousseau.

The political implications of Rousseau's thought are also covered in *The Social Contract*. Clearly the general will would have to be manifest in social legislation. The sovereign nature of the citizen body and the limitations on the power of the state would have to be enshrined in appropriate constitutional arrangements. Rousseau does not provide us with a blueprint of his desired alternatives to the institutions he despised. Of course, he could argue that the transitional process involved decisions that had to be made by the citizen body, not by philosophers. At the same time, however, he does argue for a Legislator: an independent figure to act as the law-maker, who would construct the appropriate arrangements for putting the sovereign body and the requisite political institutions in place. (It could be argued, given his belief that a foreigner might perhaps be the most appropriate Legislator, that Rousseau to some extent saw himself in this role in his work on Poland and Corsica.) He didn't prescribe any particular form of government. Again, that was a decision to be taken by each body of citizens – which of course left open the possibility of a benign monarchy in which the real sovereign power still lay with the people. Critics have often bastardised Rousseau's own thought to raise the spectra of charismatic totalitarians persuading the people to invest sovereign powers in them. Whilst this is possible in practice, according to Rousseau it would involve individuals surrendering their freedom to another, which the doctrine of the general will makes reprehensible.

Due in part to the eclectic nature of his work, Rousseau is difficult to pigeonhole. He resists some of the easier ideological categorisations that we can attach to other major figures in the history of modern political thought. However, it seems that the most fruitful comparisons to make are with fellow social-contract theorists, such as Hobbes and Locke. That said, they clearly had a different rationale for social-contract theory, in the sense that Rousseau made 'the social contract a way of explaining not how societies can be made stable but how societies can be made just' (McClelland 1996: 187). In this sense, Rousseau's work provided social-contract theory with a historically driven sense of the origins of inequality as well as a future-oriented politics of social justice.

The contrast with Hobbes on the state of nature is a key feature of Rousseau's thought. In fact there was agreement on the rather brutish and violent quality of this state; but whereas for Hobbes this was a reflection of human nature, which had to be reined in to provide social stability, Rousseau saw violence as the price of

progress. For him, the selfishness of 'social man' in the supposedly civilised world was not the solitary natural state but in fact the manifestation of the triumph of self-interest over more benign and altruistic faculties. This is the origin of Rousseau's famous dictum that 'man was born free, yet everywhere he is in chains'. Where Hobbes saw the social contract as a means of providing a political settlement that would dilute the essential brutishness of individual self-interest and unlimited competition, Rousseau saw it as a means of promoting and ensuring the common good.

Both Hobbes and Rousseau believed that the sovereign power had to hold legitimate authority, although the direction in which that power flowed from people to government obviously differed. In Rousseau's eyes 'sovereignty ... was not like a piece of property that could be freely disposed of: it was an inalienable possession, part of the individual's very humanity' (Jennings 1994: 117). This brought him into conflict with the work of Locke. Where Locke and Hobbes saw strength and virtue in the transfer of power to other bodies and institutions, Rousseau believed that authority always had to lie within the citizen body if legitimacy was to be retained. Thus he was strongly critical of the English model of parliamentary sovereignty, precisely because the basis of that system was to remove sovereignty from the people (indeed Rousseau suggested that the English people deserved the inadequate representatives they had, because they had acquiesced with the removal of their authority and placed it in parliament). Rousseau's views on the benefits (or otherwise) of private property also clearly contrasted with those of Locke. Unlike the latter, he believed that private property was not a natural phenomenon, and that it was part of a manufactured inequality which caused strife and havoc in the name of 'civilisation'.

Whilst it is reasonably straightforward to see how thinkers such as Locke, Smith or Marx have a direct influence on contemporary political theory, Rousseau's position is more ambiguous. Undoubtedly he was not always strictly consistent in his beliefs, although this should not detract from his importance as a key figure in Western political thought (Thomson 1990: 105). His work has provided inspiration for socialists, nationalists, anarchists and liberals since the Enlightenment, and in the contemporary era the attraction of Rousseau's theories to environmentalists should be apparent: his belief in simple living and his rejection of the 'achievements' that have been made in the name of progress. His writings will continue to inspire those concerned with democratisation, constitutional change and the weaknesses of liberal democracy. Just as certainly he will be held up as a pariah by those who fear the rise of authoritarianism – although this involves ascribing to him certain beliefs which are not always consonant with his actual thought. Perhaps the most important arena in which Rousseau's work will play an important part is in the ongoing philosophical debate between liberals and communitarians. The legacy that he provided in his philosophy – that freedom and equality are not always in contradiction, especially when understood as part of a collective enterprise – remains powerful today.

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EXTRACT FROM JEAN-JACQUES ROUSSEAU, *A DISSERTATION ON THE ORIGIN AND FOUNDATION OF THE INEQUALITY OF MANKIND*

I conceive that there are two kinds of inequality among the human species; one, which I call natural or physical, because it is established by nature, and consists in a difference of age, health, bodily strength, and the qualities of the mind or of the soul: and another, which may be called moral or political inequality, because it depends on a kind of convention, and is established, or at least authorized, by the consent of men. This latter consists of the different privileges which some men enjoy to the prejudice of others; such as that of being more rich, more honoured, more powerful, or even in a position to exact obedience.

It is useless to ask what is the source of natural inequality, because that question is answered by the simple definition of the word. Again, it is still more useless to inquire whether there is any essential connection between the two inequalities; for this would be only asking, in other words, whether those who command are necessarily better than those

who obey and if strength of body or of mind, wisdom, or virtue are always found in particular individuals, in proportion to their power or wealth: a question fit perhaps to be discussed by slaves in the hearing of their masters, but highly unbecoming to reasonable and free men in search of the truth.

The subject of the present discourse, therefore, is more precisely this. To mark, in the progress of things, the moment at which right took the place of violence and nature became subject to law, and to explain by what sequence of miracles the strong came to submit to serve the weak, and the people to purchase imaginary repose at the expense of real felicity. [...]

The First Part

[...]

It appears, at first view, that men in a state of nature, having no moral relations or determinate obligations one with another, could not be either good or bad, virtuous or vicious; unless we take these terms in a physical sense, and call, in an individual, those qualities vices which may be injurious to his preservation, and those virtues which contribute to it; in which case, he would have to be accounted most virtuous, who put least check on the pure impulses of nature. [...]

Above all, let us not conclude, with Hobbes, that because man has no idea of goodness, he must be naturally wicked; that he is vicious because he does not know virtue; that he always refuses to his fellow-creatures services which he does not think they have a right to demand; or that by virtue of the right he truly claims everything he needs, he foolishly imagines himself the sole proprietor of the whole universe. Hobbes had seen clearly the defects of all the modern definitions of natural right: but the consequences which he deduces from his own show that he understands it in an equally false sense. In reasoning on the principles he lays down, he ought to have said that the state of nature, being that in which care for our own preservation is the least prejudicial to that of others, was consequently the best calculated to promote peace, and the most suitable for mankind. He does say the exact opposite, in consequence of having improperly admitted, as a part of savage man's care for self-preservation, the gratification of a multitude of passions which are the work of society, and have made laws necessary. [...]

It is then certain that compassion is a natural feeling, which, by moderating the violence of love of self in each individual, contributes to the preservation of the whole species. It is this compassion that hurries us without reflection to the relief of those who are in distress: it is this which in a state of nature supplies the place of laws, morals, and virtues, with the advantage that none are tempted to disobey its gentle voice: it is this which will always prevent a sturdy savage from robbing a weak child or a feeble old man of the sustenance they may have with pain and difficulty acquired, if he sees a possibility of providing for himself

by other means: it is this which, instead of inculcating that sublime maxim of rational justice, *Do to others as you would have them do unto you*, inspires all men with that other maxim of natural goodness, much less perfect indeed, but perhaps more useful; *Do good to yourself with as little evil as possible to others*. In a word, it is rather in this natural feeling than in any subtle arguments that we must look for the cause of that repugnance, which every man would experience in doing evil, even independently of the maxims of education. Although it might belong to Socrates and other minds of the like craft to acquire virtue by reason, the human race would long since have ceased to be, had its preservation depended only on the reasonings of the individuals composing it. [...]

The Second Part

The first man who, having enclosed a piece of ground, bethought himself of saying ‘This is mine’, and found people simple enough to believe him, was the real founder of civil society. [...]

So long as men remained content with their rustic huts, so long as they were satisfied with clothes made of the skins of animals and sewn together with thorns and fish-bones, adorned themselves only with feathers and shells, and continued to paint their bodies different colours, to improve and beautify their bows and arrows, and to make with sharp-edged stones fishing boats or clumsy musical instruments; in a word, so long as they undertook only what a single person could accomplish, and confined themselves to such arts as did not require the joint labour of several hands, they lived free, healthy, honest, and happy lives, so long as their nature allowed, and as they continued to enjoy the pleasures of mutual and independent intercourse. But from the moment one man began to stand in need of the help of another; from the moment it appeared advantageous to any one man to have enough provisions for two, equality disappeared, property was introduced, work became indispensable, and vast forests became smiling fields, which man had to water with the sweat of his brow, and where slavery and misery were soon seen to germinate and grow up with crops. [...]

Pufendorf says that we divest ourselves of our liberty in favour of other men, just as we transfer our property from one to another by contracts and agreements. But this seems a very weak argument. For in the first place, the property I alienate becomes quite foreign to me, nor can I suffer from the abuse of it; but it very nearly concerns me that my liberty should not be abused, and I cannot without incurring the guilt of the crimes I may be compelled to commit, expose myself to become an instrument of crime. Besides, the right of property being only a convention of human institution, men may dispose of what they possess as they please: but this is not the case with the essential gifts of nature, such as life and liberty, which every man is permitted to enjoy, and of which it is at least doubtful whether any have a right to divest themselves. By giving up the one, we degrade our being; by giving up the other, we do our

best to annul it; and, as no temporal good can indemnify us for the loss of either, it would be an offence against both reason and nature to renounce them at any price whatsoever. [...]

The savage and the civilized man differ so much in the bottom of their hearts and in their inclinations, that what constitutes the supreme happiness of one would reduce the other to despair. The former breathes only peace and liberty; he desires only to live and be free from labour [...] Civilised man, on the other hand, is always moving, sweating, toiling, and racking his brains to find still more laborious occupations: he goes on in drudgery to his last moment, and even seeks death to put himself in a position to live, or renounces life to acquire immortality. He pays his court to men in power, whom he hates, and to the wealthy, whom he despises; he stops at nothing to have the honour of serving them; he is not ashamed to value himself on his own meanness and their protection; and, proud of his slavery, he speaks with disdain of those, who have not the honour of sharing it [...] In reality, the source of all these differences is, that the savage lives within himself, while social man lives constantly outside himself, and only knows how to live in the opinion of others, so that he seems to receive the consciousness of his own existence merely from the judgment of others concerning him. [...]

It follows from this survey that, as there is hardly any inequality in the state of nature, all the inequality which now prevails owes its strength and growth to the development of our faculties and the advance of the human mind, and becomes at last permanent and legitimate by the establishment of property and laws. Secondly, it follows that moral inequality, authorized by positive right alone, clashes with natural right, whenever it is not proportionate to physical inequality – a distinction which sufficiently determines what we ought to think of that species of inequality which prevails in all civilized countries; since it is plainly contrary to the law of nature, however defined, that children should command old men, fools wise men, and that the privileged few should gorge themselves with superfluities, while the starving multitude are in want of the bare necessities of life.

EXTRACT FROM JEAN-JACQUES ROUSSEAU, *THE SOCIAL CONTRACT*

Book I

I mean to inquire if, in the civil order, there can be any sure and legitimate rule of administration, men being taken as they are and laws as they might be. In this inquiry I shall endeavour always to unite what right sanctions with what is prescribed by interest, in order that justice and utility may in no case be divided.

I enter upon my task without proving the importance of the subject. I shall be asked if I am a prince or a legislator, to write on politics. I answer that I am neither, and that is why I do so. If I were a prince or a legislator, I should not waste time in saying what wants doing; I should do it, or hold my peace.

As I was born a citizen of a free State, and a member of the Sovereign, I feel that, however feeble the influence my voice can have on public affairs, the right of voting on them makes it my duty to study them: and I am happy when I reflect upon governments, to find my inquiries always furnish me with new reasons for loving that of my own country.

Chapter I: Subject of the first book

Man is born free;¹ and everywhere he is in chains. One thinks himself the master of others, and still remains a greater slave than they. How did this change come about? I do not know. What can it legitimate? That question I think I can answer.

If I took into account only force, and the effects derived from it, I should say: ‘As long as a people is compelled to obey, and obeys, it does well; as soon as it can shake off the yoke, and shakes it off, it does still better; for, regaining its liberty by the same right as took it away, either it is justified in resuming it, or there was no justification for those who took it away.’ But the social order is a sacred right which is the basis of all other rights. Nevertheless, this right does not come from nature, and must therefore be founded on conventions. Before coming to that, I have to prove what I have just asserted.

Chapter II: The first societies

The most ancient of all societies, and the only one that is natural, is the family: and even so the children remain attached to the father only so long as they need him for their preservation. As soon as this need ceases, the natural bond is dissolved. The children, released from the obedience they owed to the father, and the father, released from the care he owed his children, return equally to independence. If they remain united, they continue so no longer naturally, but voluntarily; and the family itself is then maintained only by convention.

This common liberty results from the nature of man. His first law is to provide for his own preservation, his first cares are those which he owes himself; and, as soon as he reaches years of discretion, he is the sole judge of the proper means of preserving himself, and consequently becomes his own master.

The family then may be called the first model of political societies: the ruler corresponds to the father, and the people to the children; and all, being born free and equal, alienate their liberty only for their own advantage. The whole difference is that, in the family, the love of the father for his children repays him for the care he takes of them, while, in the State, the pleasure of commanding takes the place of the love which the chief cannot have for the peoples under him.

Grotius denies that all human power is established in favour of the governed, and quotes

1 Arguably ‘Man was born free’ is a more accurate translation of this phrase – the extent to which this translation affects our perception of Rousseau’s ideas is also a matter of contention.

slavery as an example. His usual method of reasoning is constantly to establish right by fact. It would be possible to employ a more logical method, but none could be more favourable to tyrants.

It is then, according to Grotius, doubtful whether the human race belongs to a hundred men, or that hundred men to the human race: and, throughout his book, he seems to incline to the former alternative, which is also the view of Hobbes. On this showing, the human species is divided into so many herds of cattle, each with its ruler, who keeps guard over them for the purpose of devouring them.

As a shepherd is of a nature superior to that of his flock, the shepherds of men, i.e. their rulers, are of a nature superior to that of the peoples under them. Thus, Philo tell[s] us, the Emperor Caligula reasoned, concluding equally well either that kings were gods, or that men were beasts.

The reasoning of Caligula agrees with that of Hobbes and Grotius. Aristotle, before any of them, had said that men are by no means equal naturally, but that some are born for slavery, and others for dominion.

Aristotle was right; but he took the effect for the cause. Nothing can be more certain than that every man born in slavery is born for slavery. Slaves lose everything in their chains, even the desire for escaping them: they love their servitude as the comrades of Ulysses loved their brutish condition. If then there are slaves by nature, it is because there have been slaves against nature. Force made the first slaves, and their cowardice perpetuated the condition.

I have said nothing of King Adam, or Emperor Noah, father of the three great monarchs who shared out the universe, like the children of Saturn, whom some scholars have recognized in them. I trust to getting due thanks for my moderation; for, being a direct descendant of one of these princes, perhaps of the eldest branch, how do I know that a verification of titles might not leave me the legitimate king of the human race? In any case, there can be no doubt that Adam was sovereign of the world, as Robinson Crusoe was of his island, as long as he was its only inhabitant; and this empire had the advantage that the monarch, safe on his throne, had no rebellions, wars, or conspirators to fear.

Chapter III: The right of the strongest

The strongest is never strong enough to be always the master, unless he transforms strength into right, and obedience into duty. Hence the right of the strongest, which, though to all seeming meant ironically, is really laid down as a fundamental principle. But are we never to have an explanation of this phrase? Force is a physical power, and I fail to see what moral effect it can have. To yield to force is an act of necessity, not of will – at the most, an act of prudence. In what sense can it be a duty?

Suppose for a moment that this so-called ‘right’ exists. I maintain that the sole result is a mass of inexplicable nonsense. For, if force creates right, the effect changes with the cause: every force that is greater than the first succeeds to its right. As soon as it is possible to disobey with impunity, disobedience is legitimate; and, the strongest being always in the

right, the only thing that matters is to act so as to become the strongest. But what kind of right is that which perishes when force fails? If we must obey perforce, there is no need to obey because we ought; and if we are not forced to obey, we are under no obligation to do so. Clearly, the word 'right' adds nothing to force: in this connection, it means absolutely nothing.

Obeys the powers that be. If this means yield to force, it is a good precept, but superfluous: I can answer for its never being violated. All power comes from God, I admit; but so does all sickness: does that mean that we are forbidden to call in the doctor? A brigand surprises me at the edge of a wood: must I not merely surrender my purse on compulsion; but, even if I could withhold it, am I in conscience bound to give it up? For certainly the pistol he holds is also a power.

Let us then admit that force does not create right, and that we are obliged to obey only legitimate powers. In that case, my original question recurs.

Chapter IV: Slavery

Since no man has a natural authority over his fellow, and force creates no right, we must conclude that conventions form the basis of all legitimate authority among men.

If an individual, says Grotius, can alienate his liberty and make himself the slave of a master, why could not a whole people do the same and make itself subject to a king? There are in this passage plenty of ambiguous words which would need explaining; but let us confine ourselves to the word *alienate*. To alienate is to give or to sell. Now, a man who becomes the slave of another does not give himself; he sells himself, at the least for his subsistence: but for what does a people sell itself? A king is so far from furnishing his subjects with their subsistence that he gets his own only from them; and, according to Rabelais, kings do not live on nothing. Do subjects then give their persons on condition that the king takes their goods also? I fail to see what they have left to preserve.

It will be said that the despot assures his subjects civil tranquillity. Granted; but what do they gain, if the wars his ambition brings down upon them, his insatiable avidity, and the vexatious conduct of his ministers press harder on them than their own dissensions would have done? What do they gain, if the very tranquillity they enjoy is one of their miseries? Tranquillity is found also in dungeons; but is that enough to make them desirable places to live in? The Greeks imprisoned in the cave of the Cyclops lived there very tranquilly, while they were awaiting their turn to be devoured.

To say that a man gives himself gratuitously, is to say what is absurd and inconceivable; such an act is null and illegitimate, from the mere fact that he who does it is out of his mind. To say the same of a whole people is to suppose a people of madmen; and madness creates no right.

Even if each man could alienate himself, he could not alienate his children: they are born men and free; their liberty belongs to them, and no one but they has the right to dispose of it.

Before they come to years of discretion, the father can, in their name, lay down conditions for their preservation and well-being, but he cannot give them irrevocably and without conditions: such a gift is contrary to the ends of nature, and exceeds the rights of paternity. It would therefore be necessary, in order to legitimize an arbitrary government, that in every generation the people should be in a position to accept or reject it; but, were this so, the government would be no longer arbitrary.

To renounce liberty is to renounce being a man, to surrender the rights of humanity and even its duties. For him who renounces everything no indemnity is possible. Such a renunciation is incompatible with man's nature; to remove all liberty from his will is to remove all morality from his acts. Finally, it is an empty and contradictory convention that sets up, on the one side, absolute authority, and, on the other, unlimited obedience. Is it not clear that we can be under no obligation to a person from whom we have the right to exact everything? Does not this condition alone, in the absence of equivalence or exchange, in itself involve the nullity of the act? For what right can my slave have against me, when all that he has belongs to me, and, his right being mine, this right of mine against myself is a phrase devoid of meaning?

Grotius and the rest find in war another origin for the so-called right of slavery. The victor having, as they hold, the right of killing the vanquished, the latter can buy back his life at the price of his liberty; and this convention is the more legitimate because it is to the advantage of both parties.

But it is clear that this supposed right to kill the conquered is by no means deducible from the state of war. Men, from the mere fact that, while they are living in their primitive independence, they have no mutual relations stable enough to constitute either the state of peace or the state of war, cannot be naturally enemies. War is constituted by a relation between things, and not between persons; and, as the state of war cannot arise out of simple personal relations, but only out of real relations, private war, or war of man with man, can exist neither in the state of nature, where there is no constant property, nor in the social state, where everything is under the authority of the laws.

Individual combats, duels, and encounters, are acts which cannot constitute a state; while the private wars, authorized by the Establishments of Louis IX, King of France, and suspended by the Peace of God, are abuses of feudalism, in itself an absurd system if ever there was one, and contrary to the principles of natural right and to all good polity.

War then is a relation, not between man and man, but between State and State, and individuals are enemies only accidentally, not as men, nor even as citizens, but as soldiers; not as members of their country, but as its defenders. Finally, each State can have for enemies only other States, and not men, for between things disparate in nature there can be no relation.

Furthermore, this principle is in conformity with the established rules of all times and the constant practice of all civilized peoples. Declarations of war are intimations less to powers than to their subjects. The foreigner, whether king, individual, or people, who robs, kills or detains the subjects, without declaring war on the prince, is not an enemy, but a

brigand. Even in real war, a just prince, while laying hands, in the enemy's country, on all that belongs to the public, respects the lives and goods of individuals: he respects rights on which his own are founded. The object of the war being the destruction of the hostile State, the other side has a right to kill its defenders, while they are bearing arms; but as soon as they lay them down and surrender, they cease to be enemies or instruments of the enemy, and become once more merely men, whose life no one has any right to take. Sometimes it is possible to kill the State without killing a single one its members; and war gives no right which is not necessary to the gaining of its object. These principles are not those of Grotius: they are not based on the authority of poets, but derived from the nature of reality and based on reason.

The right of conquest has no foundation other than the right of the strongest. If war does not give the conqueror the right to massacre the conquered peoples, the right to enslave them cannot be based upon a right which does not exist. No one has a right to kill an enemy except when he cannot make him a slave, and the right to enslave him cannot therefore be derived from the right to kill him. It is accordingly an unfair exchange to make him buy at the price of his liberty his life, over which the victor holds no right. Is it not clear that there is a vicious circle in founding the right of life and death on the right of slavery, and the right of slavery on the right of life and death?

Even if we assume this terrible right to kill everybody, I maintain that a slave made in war, or a conquered people, is under no obligation to a master, except to obey him as far as he is compelled to do so. By taking an equivalent for his life, the victor has not done him a favour; instead of killing him without profit, he has killed him usefully. So far then is he from acquiring over him any authority in addition to that of force, that the state of war continues to subsist between them: their mutual relation is the effect of it, and the usage of the right of war does not imply a treaty of peace. A convention has indeed been made; but this convention, so far from destroying the state of war, presupposes its continuance.

So, from whatever aspect we regard the question, the right of slavery is null and void, not only as being illegitimate, but also because it is absurd and meaningless. The words slave and right contradict each other, and are mutually exclusive. It will always be equally foolish for a man to say to a man or to a people: 'I make with you a convention wholly at your expense and wholly to my advantage; I shall keep it as long as I like, and you will keep it as long as I like.'

Chapter V: That we must always go back to a first convention

Even if I granted all that I have been refuting, the friends of despotism would be no better off. There will always be a great difference between subduing a multitude and ruling a society. Even if scattered individuals were successively enslaved by one man, however numerous they might be, I still see no more than a master and his slaves, and certainly not a people and its ruler; I see what may be termed an aggregation, but not an association; there is as yet

neither public good nor body politic. The man in question, even if he has enslaved half the world, is still only an individual; his interest, apart from that of others, is still a purely private interest. If this same man comes to die, his empire, after him, remains scattered and without unity, as an oak falls and dissolves into a heap of ashes when the fire has consumed it.

A people, says Grotius, can give itself to a king. Then, according to Grotius, a people is a people before it gives itself. The gift is itself a civil act, and implies public deliberation. It would be better, before examining the act by which a people gives itself to a king, to examine that by which it has become a people; for this act, being necessarily prior to the other, is the true foundation of society.

Indeed, if there were no prior convention, where, unless the election were unanimous, would be the obligation on the minority to submit to the choice of the majority? How have a hundred men who wish for a master the right to vote on behalf of ten who do not? The law of majority voting is itself something established by convention, and presupposes unanimity, on one occasion at least.

Chapter VI: The social compact

I suppose men to have reached the point at which the obstacles in the way of their preservation in the state of nature show their power of resistance to be greater than the resources at the disposal of each individual for his maintenance in that state. That primitive condition can then subsist no longer; and the human race would perish unless it changed its manner of existence.

But, as men cannot engender new forces, but only unite and direct existing ones, they have no other means of preserving themselves than the formation, by aggregation of a sum of forces great enough to overcome the resistance. These they have to bring into play by means of a single motive power, and cause to act in concert.

This sum of forces can arise only where several persons come together: but, as the force and liberty of each man are the chief instruments of his self-preservation, how can he pledge them without harming his own interests, and neglecting the care he owes to himself? This difficulty, in its bearing on my present subject, may be stated in the following terms:

‘The problem is to find a form of association which will defend and protect with the whole common force the person and goods of each associate, and in which each, while uniting himself with all, may still obey himself alone, and remain as free as before.’ This is the fundamental problem of which the *Social Contract* provides the solution.

The clauses of this contract are so determined by the nature of the act that the slightest modification would make them vain and ineffective; so that, although they have perhaps never been formally set forth, they are everywhere the same and everywhere tacitly admitted and recognized, until, on the violation of the social compact, each regains his original rights and resumes his natural liberty, while losing the conventional liberty in favour of which he renounced it.

These clauses, properly understood, may be reduced to one – the total alienation of each associate, together with all his rights, to the whole community; for, in the first place, as each

gives himself absolutely, the conditions are the same for all; and, this being so, no one has any interest in making them burdensome to others.

Moreover, the alienation being without reserve, the union is as perfect as it can be, and no associate has anything more to demand: for, if the individuals retained certain rights, as there would be no common superior to decide between them and the public, each, being on one point his own judge, would ask to be so on all; the state of nature would thus continue, and the association would necessarily become inoperative or tyrannical.

Finally, each man, in giving himself to all, gives himself to nobody; and as there is no associate over which he does not acquire the same right as he yields others over himself, he gains an equivalent for everything he loses, and an increase of force for the preservation of what he has.

If then we discard from the social compact what is not of its essence, we shall find that it reduces itself to the following terms:

'Each of us puts his person and all his power in common under the supreme direction of the general will, and, in our corporate capacity, we receive each member as an indivisible part of the whole.'

At once, in place of the individual personality of each contracting party, this act of association creates a moral and collective body, composed of as many members as the assembly contains voters, and receiving from this act its unity, its common identity, its life, and its will. This public person, so formed by the union of all other persons, formerly took the name of *city*, and now takes that of *Republic* or *body politic*; it is called by its members *State* when passive, *Sovereign* when active, and *Power* when compared with others like itself. Those who are associated in it take collectively the name of *people*, and severally are called *citizens*, as sharing in the sovereign power, and *subjects*, as being under the laws of the State. But these terms are often confused and taken one for another: it is enough to know how to distinguish them when they are being used with precision.

Chapter VII: The sovereign

This formula shows us that the act of association comprises a mutual undertaking between the public and the individuals, and that each individual, in making a contract, as we may say, with himself, is bound in a double capacity; as a member of the Sovereign he is bound to the individuals, and as a member of the State to the Sovereign. But the maxim of civil right, that no one is bound by undertakings made to himself, does not apply in this case; for there is a great difference between incurring an obligation to yourself and incurring one to a whole of which you must form a part.

Attention must further be called to the fact that public deliberation, while competent to bind all the subjects to the Sovereign, because of the two different capacities in which each of them may be regarded, cannot, for the opposite reason, bind the Sovereign to itself; and that it is consequently against the nature of the body politic for the Sovereign to impose on itself a law which it cannot infringe. Being able to regard itself in only one capacity, it is in the

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position of an individual who makes a contract with himself; and this makes it clear that there neither is nor can be any kind of fundamental law binding on the body of the people – not even the social contract itself. This does not mean that the body politic cannot enter into undertakings with others, provided the contract is not infringed by them; for in relation to what is external to it, it becomes a simple being, an individual.

But the body politic or the Sovereign, drawing its being wholly from the sanctity of the contract, can never bind itself, even to an outsider, to do anything derogatory to the original act, for instance, to alienate any part of itself, or to submit to another Sovereign. Violation of the act by which it exists would be self-annihilation; and that which is itself nothing can create nothing.

As soon as this multitude is so united in one body, it is impossible to offend against one of the members without attacking the body, and still more to offend against the body without the members resenting it. Duty and interest therefore equally oblige the two contracting parties to give each other help; and the same men should seek to combine, in their double capacity, all the advantages dependent upon that capacity.

Again, the Sovereign, being formed wholly of the individuals who compose it, neither has nor can have any interest contrary to theirs; and consequently the sovereign power need give no guarantee to its subjects, because it is impossible for the body to wish to hurt all its members. We shall also see later on that it cannot hurt any in particular. The Sovereign, merely by virtue of what it is, is always what it should be.

This, however, is not the case with the relation of the subjects to the Sovereign, which, despite the common interest, would have no security that they would fulfil their undertakings, unless it found means to assure itself of their fidelity.

In fact, each individual, as a man, may have a particular will contrary or dissimilar to the general will which he has as a citizen. His particular interest may speak to him quite differently from the common interest: his absolute and naturally independent existence may make him look upon what he owes to the common cause as a gratuitous contribution, the loss of which will do less harm to others than the payment of it is burdensome to himself; and, regarding the moral person which constitutes the State as a *persona ficta*, because not a man, he may wish to enjoy the rights of citizenship without being ready to fulfil the duties of a subject. The continuance of such an injustice could not but prove the undoing of the body politic.

In order then that the social compact may not be an empty formula, it tacitly includes the undertaking, which alone can give force to the rest, that whoever refuses to obey the general will shall be compelled to do so by the whole body. This means nothing less than that he will be forced to be free; for this is the condition which, by giving each citizen to his country, secures him against all personal dependence. In this lies the key to the working of the political machine; this alone legitimizes civil undertakings, which, without it, would be absurd,

tyrannical and liable to the most frightful abuses.

Chapter VIII: The civil state

The passage from the state of nature to the civil state produces a very remarkable change in man, by substituting justice for instinct in his conduct, and giving his actions the morality they had formerly lacked. Then only, when the voice of duty takes the place of physical impulses and right of appetite, does man, who so far had considered only himself, find that he is forced to act on different principles, and to consult his reason before listening to his inclinations. Although, in this state, he deprives himself of some advantages which he got from nature, he gains in return others so great, his faculties are so stimulated and developed, his ideas so extended, his feelings so ennobled, and his whole soul so uplifted, that, did not the abuses of this new condition often degrade him below that which he left, he would be bound to bless continually the happy moment which took him from it for ever, and, instead of a stupid and unimaginative animal, made him an intelligent being and a man.

Let us draw up the whole account in terms easily commensurable. What man loses by the social contract is his natural liberty and an unlimited right to everything he tries to get and succeeds in getting; what he gains is civil liberty and the proprietorship of all he possesses. If we are to avoid mistake in weighing one against the other, we must clearly distinguish natural liberty, which is bounded only by the strength of the individual, from civil liberty, which is limited by the general will; and possession, which is merely the effect of force or the right of the first occupier, from property, which can be founded only on a positive title.

We might, over and above all this, add, to what man acquires in the civil state, moral liberty, which alone makes him truly master of himself; for the mere impulse of appetite is slavery, while obedience to a law which we prescribe to ourselves is liberty. But I have already said too much on this head, and the philosophical meaning of the word liberty does not now concern us. [...]

Book II

Chapter I: That sovereignty is inalienable

The first and most important deduction from the principles we have so far laid down is that the general will alone can direct the State according to the object for which it was instituted, i.e. the common good: for if the clashing of particular interests made the establishment of societies necessary, the agreement of these very interests made it possible. The common element in these different interests is what forms the social tie; and, were there no point of agreement between them all, no society could exist. It is solely on the basis of this common interest that every society should be governed.

I hold then that Sovereignty, being nothing less than the exercise of the general will, can never be alienated, and that the Sovereign, who is no less than a collective being,

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cannot be represented except by himself: the power indeed may be transmitted, but not the will.

In reality, if it is not impossible for a particular will to agree on some point with the general will, it is at least impossible for the agreement to be lasting and constant; for the particular will tends, by its very nature, to partiality, while the general will tends to equality. It is even more impossible to have any guarantee of this agreement; for even if it should always exist, it would be the effect not of art, but of chance. The Sovereign may indeed say: 'I now will actually what this man wills, or at least what he says he wills'; but it cannot say: 'What he wills tomorrow, I too shall will' because it is absurd for the will to bind itself for the future, nor is it incumbent on any will to consent to anything that is not for the good of the being who wills. If then the people promises simply to obey, by that very act it dissolves itself and loses what makes it a people; the moment a master exists, there is no longer a Sovereign, and from that moment the body politic has ceased to exist.

This does not mean that the commands of the rulers cannot pass for general wills, so long as the Sovereign, being free to oppose them, offers no opposition. In such a case, universal silence is taken to imply the consent of the people. This will be explained later on.

Chapter II: That sovereignty is indivisible

Sovereignty, for the same reason as makes it inalienable, is indivisible; for will either is, or is not, general; it is the will either of the body of the people, or only of a part of it. In the first case, the will, when declared, is an act of Sovereignty and constitutes law; in the second, it is merely a particular will, or act of magistracy – at the most a decree.

But our political theorists, unable to divide Sovereignty in principle, divide it according to its object: into force and will; into legislative power and executive power; into rights of taxation, justice, and war; into internal administration and power of foreign treaty. Sometimes they confuse all these sections, and sometimes they distinguish them; they turn the Sovereign into a fantastic being composed of several connected pieces: it is as if they were making man of several bodies, one with eyes, one with arms, another with feet, and each with nothing besides. We are told that the jugglers of Japan dismember a child before the eyes of the spectators; then they throw all the members into the air one after another, and the child falls down alive and whole. The conjuring tricks of our political theorists are very like that; they first dismember the body politic by an illusion worthy of a fair, and then join it together again we know not how.

This error is due to a lack of exact notions concerning the Sovereign authority, and to taking for parts of it what are only emanations from it. Thus, for example, the acts of declaring war and making peace have been regarded as acts of Sovereignty; but this is not the case, as these acts do not constitute law, but merely the application of a law, a particular act

which decides how the law applies, as we shall see clearly when the idea attached to the word 'law' has been defined.

If we examined the other divisions in the same manner we should find that, whenever Sovereignty seems to be divided, there is an illusion: the rights which are taken as being part of Sovereignty are really all subordinate, and always imply supreme wills of which they only sanction the execution.

It would be impossible to estimate the obscurity this lack of exactness has thrown over the divisions of writers who have dealt with political right, when they have used the principles laid down by them to pass judgment on the respective rights of kings and peoples. Every one can see, in Chapters III and IV of the first book of Grotius, how the learned man and his translator, Barbeyrac, entangle and tie themselves up in their own sophistries, for fear of saying too little or too much of what they think, and so offending the interests they have to conciliate. Grotius, a refugee in France, ill content with his own country, and desirous of paying his court to Louis XIII, to whom his book is dedicated, spares no pains to rob the peoples of all their rights and invest kings with them by every conceivable artifice. This would also have been much to the taste of Barbeyrac, who dedicated his translation to George I of England. But unfortunately the expulsion of James II, which he called his 'abdication,' compelled him to use all reserve, to shuffle and to tergiversate, in order to avoid making William out a usurper. If these two writers had adopted the true principles, all difficulties would have been removed, and they would have been always consistent; but it would have been a sad truth for them to tell, and would have paid court for them to no one save the people. Moreover, truth is no road to fortune, and the people dispenses neither ambassadorships, nor professorships, nor pensions.

Chapter III: Whether the general will is fallible

It follows from what has gone before that the general will is always right and tends to the public advantage; but it does not follow that the deliberations of the people are always equally correct. Our will is always for our own good, but we do not always see what that is; the people is never corrupted, but it is often deceived, and on such occasions only does it seem to will what is bad.

There is often a great deal of difference between the will of all and the general will; the latter considers only the common interest, while the former takes private interest into account, and is no more than a sum of particular wills: but take away from these same wills the pluses and minuses that cancel one another, and the general will remains as the sum of the differences.

If, when the people, being furnished with adequate information, held its deliberations, the citizens had no communication one with another, the grand total of the small differences would always give the general will, and the decision would always be good. But when factions arise, and partial associations are formed at the expense of the great association, the will of each of these associations becomes general in relation to its members, while it remains particular in relation to the State: it may then be said that there are no longer as many votes

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as there are men, but only as many as there are associations. The differences become less numerous and give a less general result. Lastly, when one of these associations is so great as to prevail over all the rest, the result is no longer a sum of small differences, but a single difference; in this case there is no longer a general will, and the opinion which prevails is purely particular.

It is therefore essential, if the general will is to be able to express itself, that there should be no partial society within the State, and that each citizen should think only his own thoughts: which was indeed the sublime and unique system established by the great Lycurgus. But if there are partial societies, it is best to have as many as possible and to prevent them from being unequal, as was done by Solon, Numa, and Servius. These precautions are the only ones that can guarantee that the general will shall be always enlightened, and that the people shall in no way deceive itself.

9 James Madison (1751–1836) and Alexander Hamilton (1757–1804)

There could scarcely be two more different backgrounds than those of Madison and Hamilton. James Madison was one of ten children of a wealthy, slave-owning planter in Virginia, and, whilst there was nothing inevitable about his progress to become the fourth President of the United States (he served in 1809 and again in 1812), such progress was hardly surprising. Where Madison's career might have been foretold, Alexander Hamilton's depended upon his wits. Hamilton was born on the West Indian island of Nevis, the illegitimate son of an impoverished daughter of an important island family and an American ne'er-do-well. He served as a captain in the War of Independence and became aide-de-camp and secretary to George Washington. In 1782, after marrying into one of the most powerful political families in New York, the Schylers, he entered Congress.

After their success in bringing about the Constitutional Convention and their defence of the constitution in the *Federalist Papers*, the political lives of Madison and Hamilton diverged. Hamilton was appointed Secretary of the Treasury by Washington, and in this post he forged the financial structure of the American state. He also became one of the leaders of the Federalist Party, which split from Jefferson's and Madison's Republican Party. Madison became Secretary of State under Jefferson in 1801, and thereafter went on to serve his own terms as President.

Whilst they came from different backgrounds both men's lives were tinged by paradox. Madison was a slave owner who hated slavery and laboured – unsuccessfully – to abolish it, whilst Hamilton was someone who did not believe in duelling but was killed in a completely unnecessary duel with a political rival, Aaron Burr.

Both Madison and Hamilton were practical politicians as well as political theorists, but their great contribution to politics is undoubtedly the Constitution and the arguments for it in the *Federalist*. Madison's later presidency was not particularly noteworthy, and Hamilton's early death removed his ambition and flair from the political stage.

The period between the end of the American War of Independence in 1783 and the beginning of the publication of the *Federalist Papers* in 1787 were, in political terms, interesting times. Having thrown off the 'tyranny' of George III and Great Britain, the thirteen individual states of the new America were little inclined to

see political power enthroned except within their own boundaries. Thus, although there was a Continental Congress at the centre of American politics, it was underfunded by the states and largely politically impotent. It consisted of one legislative house, with no executive and no judiciary. But even the legislature had no power to regulate commerce or to raise taxes. Instead, power resided within the thirteen states, and, given that these states were socially, ethnically, religiously and economically distinct, this was a recipe for chaos. So, for instance, nine of the thirteen states had their own navies, which they used, at least in part, to interfere with the commerce of the other states; seven of them printed their own money; and many passed tariff laws against the goods of neighbouring states. The states continually engaged in boundary disputes, and the potential for serious disagreement was embodied in the western territories, where the individual states claimed rights.

In such a situation, men nurtured on the political theories of Locke and Montesquieu, did not have to look very far to see a role for central government. The times cried out for, at the very least, an effective, neutral referee between the contending states. However, in some ways, it was not the behaviour of the states to one another which most disquieted people such as Madison and Hamilton, so much as their behaviour within their own boundaries. Almost all the states had adopted that feature of politics beloved of eighteenth- and nineteenth-century republicans the yearly election, and two of them, Rhode Island and Connecticut, required half-yearly elections. Such populism was common throughout the states, although it manifested itself in different ways. So, for example, Bills could not become law in Pennsylvania until, after their first reading in the legislature, they had been publicised throughout the state and approved by local conventions. And in Massachusetts it was held by some that each town or district had the right to ignore or overturn any action of the state legislature. Although, in theory, the separate states endorsed the notion of the separation of powers, derived from Locke and Montesquieu, in practice within the states the legislatures ruled supreme, not only controlling the executive and judiciary but in some states, such as Vermont, reversing judicial decisions and interfering in court cases involving debt, land titles and contracts. Those who shared the fear (typical of political theorists in the eighteenth and nineteenth centuries) that giving power to the people would result in that power being used to attack property saw such fears become realised in several states. During the financial crises after the war it was common practice for states to print money for the payment of debts, to pass legislation setting aside contracts, or to suspend existing laws on the recovery of debts. Some states passed laws confiscating property. In western Massachusetts such fiscal uncertainty led to 'rebellion', when mobs led by Captain Shays sought to prevent the county courts from sitting and tried to capture a federal arsenal.

It was situations such as these that the formers of the American Constitution – largely men of property – tried to address, and it was the thinking that underlay them which was the target of the *Federalist Papers* of Hamilton, Madison and John Jay. We have in these two sets of documents, the *Papers* and the Constitution,

political works of immense importance and rare value. For, although the *Federalist Papers* are as much a work of persuasion and propaganda as of 'pure' political theory, they do present us with an unmatched insight to the type of theory that informs the American Constitution. Thus we have the almost unique opportunity to examine both explicit theory and practice side by side. What the *Federalist Papers* reveal are writers steeped in the traditions of European politics, from the Greeks onwards, and determined to carry that tradition forward. In Hamilton's words, they show an attempt by men to create for themselves by 'reflection and choice', rather than 'accident and force', a government which would both embody the wisdom of the ages and avoid the mistakes of the past.

Whilst some received both the *Papers* and the Constitution in this light, others were far more sceptical. Patrick Henry saw 'the tyranny of Philadelphia' as little different from the 'tyranny of George III', and John Lansing of New York held that the Constitution was 'a triple headed monster as deep and wicked a conspiracy as ever was invented in the darkest ages against the liberties of a free people' (cited in Bowen 1966).

Given such passions, it is easy to understand why the authors of the *Federalist Papers* and their supporters had to proceed as practical politicians as well as abstract theorists. They made two extremely astute practical moves. Firstly, they hijacked the term 'Federalist' from their opponents, at a time when there was already a federal system in place and it was obvious that the Constitution moved power to the centre. Secondly, they ensured that the ratification of the Constitution within the separate states was carried out not by the state legislatures that they distrusted but, rather, by specially appointed conventions. The states voted on the Constitution in the period from 1787 to 1790 (Rhode Island, that most recalcitrant of states, having refused to ratify for two years), and, after some mishaps, by May 1790 the United States had a written Constitution together with a Bill of Rights (the latter had always been urged by Jefferson and was accepted by Madison after his debate with Patrick Henry in the Virginia convention).

The Federalist Papers are the great contribution of America to political thought. But they were written by men who had rather different ideas about what they wanted the United States to become. Madison, in the spirit of Locke, wanted a central government that would simply act as a neutral umpire between the states, and one which did not reproduce either the licence or the abuse of power that he discerned at state level. Hamilton had more towering ambitions for central government and for the national state as such. He foresaw an energetic presidency creating a great American state.

However, despite these differences of attitude, they spoke with a single voice on the manifest inadequacy of the political situation embedded in the confederation and the urgent necessity of a solution to this at national level. With this common theme in mind, Hamilton wrote of the Presidency, taxes, wars and armies; whilst Madison was concerned with curbing the supremacy of the lawmakers by a series of constitutional checks and balances. The two men's view of human nature was also similar. Whilst they believed that men were capable of reason and virtue, they

also clearly saw them as self-interested, vindictive, power-hungry and inconsistent; consequently, any political theorising has to take these negative characteristics into account.

Both Madison and Hamilton saw themselves as continuing the European tradition of political thought and correcting its excesses; the publication of *The Federalist* under the name 'Publius' paid overt homage to this tradition. Within this tradition, their obvious debts are to Locke and Montesquieu – and to Algernon Sydney (who was executed by Charles II for his part in the Rye House plot, and whose political works echoed Locke's). An attempt to frame a constitution in the manner of these writers argues an Enlightenment belief in the power of reason, and it is significant that there was correspondence between Madison and Bentham. However, there is also a scepticism in both writers, perhaps derived from their experience during and after the War of Independence, which links them to the conservative side of Montesquieu's thought and the work of David Hume.

The American Constitution and the *Federalist Papers* are, collectively, one of the great milestones of modern political history. For one thing, the Constitution is the oldest of its type to survive into the present day (others, such as that of Poland in 1791 or France of the same year, have long disappeared into the dustbin of history). And, as a framework for an existing policy, it remains a focus of political interest. So, for instance, whilst few may want to endorse the American Bill of Rights as it stands, the notion of such a Bill, to protect the individual from government, is still on the political agenda. At the same time, the separation of powers embedded in the Constitution may not be perfect, but it provides a working template for those who urge the necessity of such a separation (see Hutton 1995 for both of these themes). It is also the case that Hamilton's notion of the Presidency has triumphed in the last century, and, because of this, the Constitution sometimes fails to be understood. This was shown in 1996, when a Democratic President was suddenly faced by a Republican Congress. In England this was widely reported as a breakdown in American politics, whereas Americans, imbued with the spirit of Madison, viewed it as a vindication of original intentions of that founder of the Constitution.

The debate between the Federalists and Antifederalists still casts shadows on the political scene. Within these shadows one may see the anti-government stance of the far right in America, but the issues also seem to be raised in the different political perspectives of writers such as Rawls (1973) and Nozick (1974).

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EXTRACT FROM THE *FEDERALIST PAPERS*

Number XLVII: The Meaning of the Maxim, which Requires A Separation of the Departments of Power, Examined And Ascertained

Having reviewed the general form of the proposed government and the general mass of power allotted to it, I proceed to examine the particular structure of this government, and the distribution of this mass of power among its constituent parts.

One of the principal objections inculcated by the more respectable adversaries to the Constitution is its supposed violation of the political maxim that the legislative, executive, and judiciary departments ought to be separate and distinct. In the structure of the federal government no regard, it is said, seems to have been paid to this essential precaution in favor of liberty. The several departments of power are distributed and blended in such a manner as at once to destroy all symmetry and beauty of form, and to expose some of the essential parts of the edifice to the danger of being crushed by the disproportionate weight of other parts.

No political truth is certainly of greater intrinsic value, or is stamped with the authority of more enlightened patrons of liberty than that on which the objection is founded. The accumulation of all powers, legislative, executive, and judiciary, in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny. Were the federal Constitution, therefore, really chargeable with this accumulation of power, or with a mixture of powers, having a dangerous tendency to such an accumulation, no further arguments would be necessary to inspire a universal reprobation of the system. I persuade myself, however, that it will be made apparent to everyone that the charge cannot be supported, and that the maxim on which it relies has been totally misconceived and misapplied. In order to form correct ideas on this important subject it will be proper to investigate the sense in which the preservation of liberty requires that the three great departments of power should be separate and distinct.

The oracle who is always consulted and cited on this subject is the celebrated Montesquieu. If he be not the author of this invaluable precept in the science of politics, he has the merit at least of displaying and recommending it most effectually to the attention of mankind. Let us endeavor, in the first place, to ascertain his meaning on this point.

The British Constitution was to Montesquieu what Homer has been to the didactic writers on epic poetry. As the latter have considered the work of the immortal bard as the perfect model from which the principles and rules of the epic art were to be drawn, and by which all similar works were to be judged, so this great political critic appears to have viewed the Constitution of England as the standard, or to use his own expression, as the mirror of political liberty; and to have delivered, in the form of elementary truths, the several characteristic

principles of that particular system. That we may be sure, then, not to mistake his meaning in this case, let us recur to the source from which the maxim was drawn.

On the slightest view of the British Constitution, we must perceive that the legislative, executive, and judiciary departments are by no means totally separate and distinct from each other. The executive magistrate forms an integral part of the legislative authority. He alone has the prerogative of making treaties with foreign sovereigns which, when made, have, under certain limitations, the force of legislative acts. All the members of the judiciary department are appointed by him, can be removed by him on the address of the two Houses of Parliament, and form, when he pleases to consult them, one of his constitutional councils. One branch of the legislative department forms also a great constitutional council to the executive chief. as, on another hand, it is the sole depositary of judicial power in cases of impeachment, and is invested with the supreme appellate jurisdiction in all other cases. The judges, again, are so far connected with the legislative department as often to attend and participate in its deliberations, though not admitted to a legislative vote.

From these facts, by which Montesquieu was guided, it may clearly be inferred that in saying ‘There can be no liberty where the legislative and executive powers are united in the same person, or body of magistrates,’ or, ‘if the power of judging be not separated from the legislative and executive powers,’ he did not mean that these departments ought to have no *partial* agency in, or no *control* over, the acts of each other. His meaning, as his own words import, and still more conclusively as illustrated by the example in his eye, can amount to no more than this, that where the *whole* power of one department is exercised by the same hands which possess the *whole* power of another department, the fundamental principles of a free constitution are subverted. This would have been the case in the constitution examined by him, if the king, who is the sole executive magistrate, had possessed also the complete legislative power, or the supreme administration of justice; or if the entire legislative body had possessed the supreme judiciary, or the supreme executive authority. This, however, is not among the vices of that constitution. The magistrate in whom the whole executive power resides cannot of himself make a law, though he can put a negative on every law, nor administer justice in person, though he has the appointment of those who do administer it. The judges can exercise no executive prerogative, though they are shoots from the executive stock; nor any legislative function, though they may be advised by the legislative councils. The entire legislature can perform no judiciary act, though by the joint act of two of its branches the judges maybe removed from their offices, and though one of its branches is possessed of the judicial power in the last resort. The entire legislature, again, can exercise no executive prerogative, though one of its branches constitutes the supreme executive magistracy, and another, on the impeachment of a third, can try and condemn all the subordinate officers in the executive department.

The reasons on which Montesquieu grounds his maxim are a further demonstration of his meaning. ‘When the legislative and executive powers are united in the same person or

body,' says he, 'there can be no liberty, because apprehensions may arise lest the *same* monarch or senate should *enact* tyrannical laws to *execute* them in a tyrannical manner.' Again: 'Were the power of judging joined with the legislative, the life and liberty of the subject would be exposed to arbitrary control, for the *judge* would then be the *legislator*. Were it joined to the executive power, the *judge* might behave with all the violence of an *oppressor*.' Some of these reasons are more fully explained in other passages, but briefly stated as they are here they sufficiently establish the meaning which we have put on this celebrated maxim of this celebrated author.

If we look into the constitutions of the several States we find that notwithstanding the emphatical and, in some instances, the unqualified terms in which this axiom has been laid down, there is not a single instance in which the several departments of power have been kept absolutely separate and distinct. New Hampshire, whose constitution was the last formed, seems to have been fully aware of the impossibility and inexpediency of avoiding any mixture whatever of these departments, and has qualified the doctrine by declaring 'that the legislative, executive, and judiciary powers ought to be kept as separate from, and independent of, each other *as the nature of a free government will admit; or as is consistent with that chain of connection that binds the whole fabric of the constitution in one indissoluble bond of unity and amity*.' Her constitution accordingly mixes these departments in several respects. The Senate, which is a branch of the legislative department, is also a judicial tribunal for the trial of impeachments. The President, who is the head of the executive department, is the presiding member also of the Senate, and, besides an equal vote in all cases, has a casting vote in case of a tie. The executive head is himself eventually elective every year by the legislative department, and his council is every year chosen by and from the members of the same department. Several of the officers of state are also appointed by the legislature. And the members of the judiciary department are appointed by the executive department.

The constitution of Massachusetts has observed a sufficient though less pointed caution in expressing this fundamental article of liberty. It declares 'that the legislative department shall never exercise the executive and judicial powers, or either of them; the executive shall never exercise the legislative and judicial powers, or either of them; the Judicial shall never exercise the legislative and executive powers, or either of them.' This declaration corresponds precisely with the doctrine of Montesquieu, as it has been explained, and is not in a single point violated by the plan of the convention. It goes no farther than to prohibit any one of the entire departments from exercising the powers of another department. In the very Constitution to which it is prefixed, a partial mixture of powers has been admitted. The executive magistrate has a qualified negative on the legislative body, and the Senate, which is a part of the legislature, is a court of impeachment for members both of the executive and judiciary departments. The members of the judiciary department, again, are appointable by the executive department, and removable by the same authority on the address of the two legislative branches. Lastly,

a number of the officers of government are annually appointed by the legislative department. As the appointment to offices, particularly executive offices is in its nature an executive function, the compilers of the Constitution have, in this last point at least, violated the rule established by themselves.

I pass over the constitutions of Rhode Island and Connecticut, because they were formed prior to the Revolution and even before the principle under examination had become an object of political attention.

The constitution of New York contains no declaration on this subject but appears very clearly to have been framed with an eye to the danger of improperly blending the different departments. It gives, nevertheless to the executive magistrate, a partial control over the legislative department; and, what is more, gives a like control to the judiciary department; and even blends the executive and judiciary departments in the exercise of this control. In its council of appointment members of the legislative are associated with the executive authority, in the appointment of officers, both executive and judiciary. And its court for the trial of impeachments and correction of errors is to consist of one branch of the legislature and the principal members of the judiciary department.

The constitution of New Jersey has blended the different powers of government more than any of the preceding. The governor, who is the executive magistrate, is appointed by the legislature: is chancellor and ordinary, or surrogate of the State; is a member of the Supreme Court of Appeals, and president, with a casting vote, of one of the legislative branches. The same legislative branch acts again as executive council to the governor, and with him constitutes the Court of Appeals. The members of the judiciary department are appointed by the legislative department, and removable by one branch of it, on the impeachment of the other.

According to the constitution of Pennsylvania, the president, who is the head of the executive department, is annually elected by a vote in which the legislative department predominates. In conjunction with an executive council, he appoints the members of the judiciary department and forms a court of impeachment for trial of all officers, judiciary as well as executive. The judges of the Supreme Court and justices of the peace seem also to be removable by the legislature; and the executive power of pardoning, in certain cases, to be referred to the same department. The members of the executive council are made EX OFFICIO justices of peace throughout the State.

In Delaware, the chief executive magistrate is annually elected by the legislative department. The speakers of the two legislative branches are vice-presidents in the executive department. The executive chief, with six others appointed, three by each of the legislative branches, constitutes the Supreme Court of Appeals, he is joined with the legislative department in the appointment of the other Judges. Throughout the States it appears that the members of the legislature may at the same time be justices of the peace; in this State, the members of one branch of it are ex officio justices of the peace; as are also the members of the executive council. The principal officers of the executive department are appointed by the legislative;

and one branch of the latter forms a court of impeachments. All officers may be removed on address of the legislature.

Maryland has adopted the maxim in the most unqualified terms; declaring that the legislative, executive, and judicial powers of government ought to be forever separate and distinct from each other. Her constitution, notwithstanding, makes the executive magistrate appointable by the legislative department; and the members of the judiciary by the executive department.

The language of Virginia is still more pointed on this subject. Her constitution declares ‘that the legislative, executive and judiciary departments shall be separate and distinct, so that neither exercises the powers properly belonging to the other nor shall any person exercise the powers of more than one of them at the same time, except that the justices of county courts shall be eligible to either House of Assembly.’ Yet we find not only this express exception with respect to the members of the inferior courts, but that the chief magistrate, with his executive council are appointable by the legislature: that two members of the latter are triennially displaced at the pleasure of the legislature; and that all the principal offices, both executive and judiciary, are filled by the same department. The executive prerogative of pardon, also, is in one case vested in the legislative department.

The constitution of North Carolina, which declares ‘that the legislative, executive, and supreme judicial powers of government ought to be forever separate and distinct from each other’ refers, at the same time, to the legislative department, the appointment not only of the executive chief, but all the principle officers within both that and the judiciary department.

In South Carolina, the constitution makes the executive magistracy eligible by the legislative department. It gives to the latter, also, the appointment of the members of the judiciary department including even justices of the peace and sheriffs; and the appointment of officers in the executive department, down to captains in the army and navy of the State.

In the constitution of Georgia where it is declared ‘that the legislative, executive, and judiciary departments shall be separate and distinct, so that neither exercise the powers properly belonging to the other,’ we find that the executive department is to be filled by the appointments of the legislature; and the executive prerogative of pardon to be finally exercised by the same authority. Even justices of the peace are to be appointed by the legislature.

In citing these cases, in which the legislative, executive, and judiciary departments have not been kept totally separate and distinct, I wish not to be regarded as an advocate for the particular organisations of the several State governments. I am fully aware that among the many excellent principles which they exemplify they carry strong marks of haste, and still stronger of the inexperience, under which they were framed. It is but too obvious that in some instances the fundamental principle under consideration has been violated by too great a mixture, and even an actual consolidation of the different powers: and that in no instance has a competent provision been made for maintaining in practice the separation delineated on

paper. What I have wished to evince is that the charge brought against the proposed Constitution of violating the sacred maxim of free government is warranted neither by the real meaning annexed to that maxim by its author, nor the sense in which it has hitherto been understood in America. This interesting subject will be resumed in the ensuing paper.

Number LI: The Same Subject Continued with the Same View And Concluded

To what expedient then, shall we finally resort, for maintaining in practice the necessary partition of power among the several departments as laid down in the Constitution? The only answer that can be given is that as all these exterior provisions are found to be inadequate the defect must be supplied, by so contriving the interior structure of the government as that its several constituent parts may, by their mutual relations, be the means of keeping each other in their proper places. Without presuming to undertake a full development of this important idea I will hazard a few general observations which may perhaps place it in a clearer light, and enable us to form a more correct judgment of the principles and structure of the government planned by the convention.

In order to lay a due foundation for that separate and distinct exercise of the different powers of government, which to a certain extent is admitted on all hands to be essential to the preservation of liberty, it is evident that each department should have a will of its own; and consequently should be so constituted that the members of each should have as little agency as possible in the appointment of the members of the others. Were this principle rigorously adhered to, it would require that all the appointments for the supreme executive, legislative, and judiciary magistracies should be drawn from the same fountain of authority, the people, through channels having no communication whatever with one another. Perhaps such a plan of constructing the several departments would be less difficult in practice than it may in contemplation appear. Some difficulties, however and some additional expense would attend the execution of it. Some deviations, therefore, from the principle must be admitted. In the constitution of the judiciary department in particular, it might be inexpedient to insist rigorously on the principle: first, because peculiar qualifications being essential in the members, the primary consideration ought to be to select that mode of choice which best secures these qualifications; second, because the permanent tenure by which the appointments are held in that department must soon destroy all sense of dependence on the authority conferring them.

It is equally evident that the members of each department should be as little dependent as possible on those of the others for the emoluments annexed to their offices. Were the executive magistrate, or the judges, not independent of the legislature in this particular, their independence in every other would be merely nominal.

But the great security against a gradual concentration of the several powers in the same department consists in giving to those who administer each department the necessary constitutional means and personal motives to resist encroachments of the others. The provision

for defense must in this, as in all other cases, be made commensurate to the danger of attack. Ambition must be made to counteract ambition. The interest of the man must be connected with the constitutional rights of the place. It may be a reflection on human nature that such devices should be necessary to control the abuses of government. But what is government itself but the greatest of all reflections on human nature? If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself. A dependence on the people is, no doubt, the primary control on the government; but experience has taught mankind the necessity of auxiliary precautions.

This policy of supplying, by opposite and rival interests, the defect of better motives, might be traced through the whole system of human affairs, private as well as public. We see it particularly displayed in all the subordinate distributions of power, where the constant aim is to divide and arrange the several offices in such a manner as that each may be a check on the other – that the private interest of every individual may be a sentinel over the public rights. These inventions of prudence cannot be less requisite in the distribution of the supreme powers of the State.

But it is not possible to give to each department an equal power of self defence. In republican government the legislative authority necessarily predominates. The remedy for this inconveniency is to divide the legislature into different branches, and to render them by different modes of election and different principles of action, as little connected with each other as the nature of their common functions and their common dependence on the society will admit. It may even be necessary to guard against dangerous encroachments by still further precautions. As the weight of the legislative authority requires that it should be thus divided, the weakness of the executive may require, on the other hand, that it should be fortified. An absolute negative on the legislature appears, at first view, to be the natural defence with which the executive magistrate should be armed. But perhaps it would be neither altogether safe nor alone sufficient. On ordinary occasions it might not be exerted with the requisite firmness, and on extraordinary occasions it might be perfidiously abused. May not this defect of an absolute negative be supplied by some qualified connection between this weaker department and the weaker branch of the stronger department, by which the latter may be led to support the constitutional rights of the former without being too much detached from the rights of its own department?

If the principle on which these observations are founded be just, as I persuade myself they are, and they be applied as a criterion to the several State constitutions, and to the federal Constitution, it will be found that if the latter does not perfectly correspond with them, the former are infinitely less able to bear such a test.

There are, moreover, two considerations particularly applicable to the federal system of America which place that system in a very interesting point of view.

First. In a single republic, all the power surrendered by the people is submitted to the administration of a single government: and the usurpations are guarded against by a division of the government into distinct and separate departments. In the compound republic of America, the power surrendered by the people is first divided between two distinct governments, and then the portion allotted to each subdivided among distinct and separate departments. Hence a double security arises to the rights of the people. The different governments will control each other at the same time that each will be controlled by itself.

Second. It is of great importance in a republic not only to guard the society against the oppression of its rulers, but to guard one part of the society against the injustice of the other part. Different interests necessarily exist in different classes of citizens. If a majority be united by a common interest, the rights of the minority will be insecure. There are but two methods of providing against this evil: the one by creating a will in the community independent of the majority – that is, of the society itself; the other, by comprehending in the society so many separate descriptions of citizens as will render an unjust combination of a majority of the whole very improbable, if not impracticable. The first method prevails in all governments possessing an hereditary or self-appointed authority. This, at best, is but a precarious security; because a power independent of the society may as well espouse the unjust views of the major as the rightful interests of the minor party, and may possibly be turned against both parties. The second method will be exemplified in the federal republic of the United States. Whilst all authority in it will be derived from and dependent on the society, the society itself will be broken into so many parts, interests and classes of citizens, that the rights of individuals, or of the minority, will be in little danger from interested combinations of the majority. In a free government the security for civil rights must be the same as that for religious rights. It consists in the one case in the multiplicity of interests, and in the other in the multiplicity of sects. The degree of security in both cases will depend on the number of interests and sects; and this may be presumed to depend on the extent of country and number of people comprehended under the same government. This view of the subject must particularly recommend a proper federal system to all the sincere and considerate friends of republican government, since it shows that in exact proportion as the territory of the Union may be formed into more circumscribed Confederacies, or States, oppressive combinations of a majority will be facilitated; the best security, under the republican forms for the rights of every class of citizen will be diminished; and, consequently the stability and independence of some member of the government, the only other security, must be proportionally increased. Justice is the end of government. It is the end of civil society. It ever has been and ever will be pursued until it be obtained, or until liberty be lost in the pursuit. In a society under the forms of which the stronger faction can readily unite and oppress the weaker, anarchy may as truly be said to reign as in a state of nature, where the weaker individual is not secured against the violence of the stronger and as, in the latter state, even the stronger individuals are prompted

by the uncertainty of their condition, to submit to a government which may protect the weak as well as themselves; so, in the former state, will the more powerful factions or parties be gradually induced, by like motive, to wish for a government which will protect all parties, the weaker as well as the more powerful. It can be little doubted that if the State of Rhode Island was separated from the Confederacy and left to itself the insecurity of rights under the popular form of government within such narrow limits would be displayed by such reiterated oppressions of factious majorities that some power altogether independent of the people would soon be called for by the voice of the very factions whose misrule had proved the necessity of it. In the extended republic of the United States; and among the great variety of interests, parties, and sects which it embraces, a coalition of a majority of the whole society could seldom take place on any other principles than those of justice and the general good; whilst there being thus less danger to a minor from the will of a major party, them must be less pretext, also, to provide for the security of the former, by introducing into the government a will not dependent on the latter, or, in other words, a will independent of the society itself. It is no less certain than it is important, to notwithstanding the contrary opinions which have been entertained, that the larger the society, provided it lie within a practicable sphere, the more duly capable it will be of self-government. And happily for the republican cause, the practicable sphere may be carried to a very great extent by a judicious modification and mixture of the federal principle.

Publius [Madison]

Number LXX: In Relation to the Unity of the Executive, with an Examination of the Project of an Executive Council

There is an idea, which is not without its advocates, that a vigorous executive is inconsistent with the genius of republican government. The enlightened well-wishers to this species of government must at least hope that the supposition is destitute of foundation; since they can never admit its truth, without at the same time admitting the condemnation of their own principles. Energy in the executive is a leading character in the definition of good government. It is essential to the protection of the community against foreign attacks; it is not less essential to the steady administration of the laws; to the protection of property against those irregular and high-handed combinations which sometimes interrupt the ordinary course of Justice; to the security of liberty against the enterprises and assaults of ambition, of faction, and of anarchy. Every man the least conversant in Roman history knows how often that republic was obliged to take refuge in the absolute power of a single man, under the formidable title of dictator, as well against the intrigues of ambitious individuals who aspired to the

tyranny, and the seditions of whole classes of the community whose conduct threatened the existence of all government, as against the invasions of external enemies who menaced the conquest and destruction of Rome.

There can be no need, however, to multiply arguments or examples on this head. A feeble executive implies a feeble execution of the government. A feeble execution is but another phrase for a bad execution, and a government ill executed, whatever it maybe in theory, must be, in practice, a bad government.

Taking it for granted, therefore, that all men of sense will agree in the necessity of an energetic executive, it will only remain to inquire, what are the ingredients which constitute this energy? How far can they be combined with other ingredients which constitute safety in the republican sense? And how far does this combination characterize the plan which has been reported by the convention?

The ingredients which constitute energy in the executive are unity; duration; and adequate provision for its support; and competent powers.

The ingredients which constitute safety in the republican sense are a due dependence on the people, and a due responsibility.

Those politicians and statesmen who have been the most celebrated for the soundness of their principles and for the justness of the views have declared in favour of a single executive and a numerous legislature. They have, with great propriety, considered energy as the most necessary qualification of the former, and have regarded this as most applicable to the power in the single hand; and; while they have, with equal propriety, considered the latter as best adapted to deliberation and wisdom, and best calculated to conciliate the confidence of the people and to secure their privileges and interests.

That unity is conducive to energy will not be disputed. Decision, activity, secrecy, and dispatch will generally characterise the proceedings of one man in a much more eminent degree than the proceedings of any greater number, and in proportion as the number is increased, these qualities will be diminished.

This unity may be destroyed in two ways: either by vesting the power in two or more magistrates of equal dignity and authority, or by vesting it ostensibly in one man, subject in whole or in part to the control and co-operation of others, in the capacity of counsellors to him. Of the first, the two consuls of Rome may serve as an example; of the last, we shall find examples in the constitutions of several of the States. New York and New Jersey, if I recollect right, are the only States which have intrusted the executive authority wholly to single men. Both these methods of destroying the unity of the executive have their partisans; but the votaries of an executive council are the most numerous. They are both liable, if not to equal, to similar objections, and may in most lights be examined in conjunction.

The experience of other nations will afford little instruction on this head. As far, however, as it teaches anything, it teaches us not to be enamored of plurality in the executive. We have seen that the Achaeans, on an experiment of two Praetors, were induced to abolish one. The Roman history records many instances of mischiefs to the republic from the dissensions between the consuls, and between the military tribunes, who were at times substituted for

the consuls. But it gives us no specimens of any peculiar advantages derived to the state from the circumstance of the plurality of those magistrates. That the dissensions between them were not more frequent or more fatal is matter of astonishment, until we advert to the singular position in which republic was almost continually placed, and to the prudent policy pointed out by the circumstances of the state, and pursued by the consuls, of making a division of the government between them. The patricians engaged in a perpetual struggle with the plebeians for the preservation of their ancient authorities and dignities; the consuls, who were generally chosen out of the former body, were commonly united by the personal interest they had in the defense of the privileges of their order. In addition to this motive of union, after the arms of the republic had considerably expanded the bounds of its empire, it became an established custom with the consuls to divide the administration between themselves by lot – one of them remaining at Rome to govern the city and its environs, the other taking command in the more distant provinces. This expedient must no doubt have had great influence in preventing those collisions and rivalships which might otherwise have embroiled the peace of the republic.

But quitting the dim light of historical research, and attaching ourselves purely to the dictates of reason and good sense, we shall discover much greater cause to reject than to approve the idea of plurality in the executive, under any modification whatever.

Whenever two or more persons are engaged in any common enterprise or pursuit, there is always a danger of difference of opinion. If it be a public trust or office in which they are clothed with equal dignity and authority, there is peculiar danger of personal emulation and even animosity. From either, and especially from all these causes, the most bitter dissensions are apt to spring. Whenever these happen, they lessen the respectability, weaken the authority, and distract the plans and operations of those whom they divide. If they should unfortunately assail the supreme executive magistracy of a country, consisting of a plurality of persons, they might impede or frustrate the most important measures of the government in the most critical emergencies of the state. And what is still worse, they might split the community into the most violent and irreconcilable factions, adhering differently to the different individuals who composed the magistracy.

Men often oppose a thing merely because they have had no agency in planning it, or because it may have been planned by those whom they dislike. But if they have been consulted, and have happened to disapprove, opposition then becomes, in their estimation, an indispensable duty of self-love. They seem to think themselves bound in honor, and by all the motives of personal infallibility, to defeat the success of what has been resolved upon contrary to their sentiments. Men of upright, benevolent tempers have too many opportunities of remarking, with horror, to what desperate lengths this disposition to sometimes carried, and how often the great interests of society are sacrificed to the vanity, to the conceit, and to

the obstinacy of individuals, who have credit enough to make their passions and their caprices interesting to mankind. Perhaps the question now before the public may, in its consequences, afford melancholy proofs of the effects of this despicable frailty, or rather detestable vice, in the human character.

Upon the principles of a free government, inconveniences from the source just mentioned must necessarily be submitted to in the formation of the legislature; but it is unnecessary, and therefore unwise, to introduce them into the constitution of the executive. It is here too that they may be most pernicious. In the legislature, promptitude of decision is oftener an evil than a benefit. The differences of opinion, and the jarring of parties in that department of the government, though they may sometimes obstruct salutary plans, yet often promote deliberation and circumspection, and serve to check excesses in the majority. When a resolution too is once taken, the opposition must be at an end. That resolution is a law, and resistance to it punishable. But no favorable circumstances palliate or atone for the disadvantages of dissension in the executive department. Here they are pure and unmixed. There is no point at which they cease to operate. They serve to embarrass and weaken the execution of the plan or measure to which they relate, from the first step to the final conclusion of it. They constantly counteract those qualities in the executive which are the most necessary ingredients in its composition – vigor and expedition, and this without any counterbalancing good. In the conduct of war, in which the energy of the executive is the bulwark of the national security, everything would be to be apprehended from its plurality.

It must be confessed that these observations apply with principal weight to the first case supposed – that is, to a plurality of magistrates of equal dignity and authority, a scheme, the advocates for which are not likely to form a numerous sect; but they apply, though not with equal yet with considerable weight, to the project of a council, whose concurrence is made constitutionally necessary to the operations of the ostensible executive. An artful cabal in that council would be able to distract and to enervate the whole system of administration. If no such cabal should exist, the mere diversity of views and opinions would alone be sufficient to tincture the exercise of the executive authority with a spirit of habitual feebleness and dilatoriness.

But one of the weightiest objections to a plurality in the executive, and which has as much against the last as the first plan is that it tends to conceal faults and destroy responsibility. Responsibility is of two kinds – to censure and to punishment. The first is the more important of the two, especially in an elective office. Men in public trust will much oftener act in such a manner as to render them unworthy of being any longer trusted, than in such a manner as to make them obnoxious to legal punishment. But the multiplication of the executive adds to the difficulty of detection in either case. It often becomes impossible, amidst mutual accusations, to determine on whom the blame or the punishment of a pernicious measure, or series of pernicious measures, ought really to fall. It is shifted from one to another with so much

dexterity, and under such plausible appearances, that the public opinion to left in suspense about the real author. The circumstances which may have led to any national miscarriage or misfortune are sometimes so complicated that where there are a number of actors who may have had different degrees and kinds of agency, though we may clearly see upon the whole that there has been mismanagement, yet it may be impracticable to pronounce to whose account the evil which may have been incurred is truly chargeable.

‘I was overruled by my council.’ ‘The council were so divided in their opinions that it was impossible to obtain any better resolution on the point.’ These and similar pretexts are constantly at hand, whether true or false. And who is there that will either take the trouble or incur the odium of a strict scrutiny into the secret springs of the transaction? Should there be found a citizen zealous enough to undertake the unpromising task, if there happened to be a collusion between the parties concerned, how easy it is to clothe the circumstances with so much ambiguity as to render it uncertain what was the precise conduct of any of those parties.

In the single instance in which the governor of this State is coupled with a council – that is, in the appointment to offices, we have seen the mischiefs of it in the view now under consideration. Scandalous appointments to important offices have been made. Some cases, indeed, have been so flagrant that ALL PARTIES have agreed in the impropriety of the thing. When inquiry has been made the blame has been laid by the governor on the members of the council, who, on their part, have charged it upon his nomination; while the people remain altogether at a loss to determine by whose influence their interests have been committed to hands so unqualified and so manifestly improper. In tenderness to individuals, I forbear to descend to particulars.

It is evident from these considerations that the plurality of the executive tends to deprive the people of the two greatest securities they can have for the faithful exercise of any delegated power, first, the restraints of public opinion, which lose their efficacy, as well on account of the division of the censure attendant on bad measures among a number as on account of the uncertainty on whom it ought to fall; and, second, the opportunity of discovering with facility and clearness the misconduct of the persons they trust, in order either to their removal from office or to their actual punishment in cases which admit of it.

In England, the king is a perpetual magistrate; and it is a maxim which has obtained for the sake of the public peace that he is unaccountable for his administration and his person sacred. Nothing, therefore, can be wiser in that kingdom than to annex to the king a constitutional council, who may be responsible to the nation for the advice they give. Without this, there would be no responsibility whatever in the executive department – an idea inadmissible in a free government. But even there the king is not bound by the resolutions of his council, though they are answerable for the advice they give. He is the absolute master of his own conduct in the exercise of his office and may observe or disregard the counsel given to him at his sole discretion.

But in a republic where every magistrate ought to be personally responsible for his behavior in office, the reason which in the British Constitution dictates the propriety of a

council not only ceases to apply but turns against the institution. In the monarchy of Great Britain it furnishes a substitute for the prohibited responsibility of the Chief Magistrate, which serves in some degree as a hostage to the national justice for his good behavior. In the American republic, it would serve to destroy, or would greatly diminish, the intended and necessary responsibility of the Chief Magistrate himself.

The idea of a council to the executive, which has so generally obtained in the State constitutions, has been derived from that maxim of republican jealousy which considers power as safer in the hands of a number of men than of a single man. If the maxim should be admitted to be applicable to the case, I should contend that the advantage on that side would not counterbalance the numerous disadvantages on the opposite side. But I do not think the rule at all applicable to the executive power. I clearly concur in opinion, in this particular, with a writer whom the celebrated Junius pronounces to be 'deep, solid, and ingenious', that 'the executive power is more easily confined when it is one', that it is far more safe there should be a single object for the jealousy and watchfulness of the people; and, in a word, that all multiplication of the executive is rather dangerous than friendly to liberty.

A little consideration will satisfy us that the species of security sought for in the multiplication of the executive is unattainable. Numbers must be so great as to render combination difficult, or they are rather a source of danger than of security. The united credit and influence of several individuals must be more formidable to liberty than the credit and influence of either of them separately. When power, therefore, is placed in the hands of so small a number of men as to admit of their interests and views being easily combined in a common enterprise, by an artful leader, it becomes more liable to abuse, and more dangerous when abused than if it be lodged in the hands of one man, who, from the very circumstance of being alone, will be more narrowly watched and more readily suspected, and who cannot unite so great a mass of influence as when he is associated with others. The decemvirs of Rome whose name denotes their number, were more to be dreaded in their usurpation than any one of them would have been. No person would think of proposing an executive much more numerous than that body; from six to a dozen have been suggested for the number of the council. The extreme of these numbers is not too great for an easy combination; and from such a combination America would have more to fear than from the ambition of any single individual. A council to a magistrate, who is himself responsible for what he does, are generally nothing better than a clog upon his good intentions, are often the instruments and accomplices of his bad, and are almost always a cloak to his faults.

I forbear to dwell upon the subject of expense; though it be evident that if the council should be numerous enough to answer the principal end aimed at by the institution, the salaries of the members, who must be drawn from their homes to reside at the seat of government, would form an item in the catalogue of public expenditures too serious to be incurred for an object of equivocal utility.

I will only add that, prior to the appearance of the Constitution, I rarely met with

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intelligent man from any of the States who did not admit, as the result of experience that the UNITY of the executive of this State was one of the best of the distinguishing features of our Constitution.

Publius [Hamilton]

10 Edmund Burke (1729–97)

Edmund Burke was born in Dublin, the son of a solicitor, in 1729. He went up to Trinity College, Dublin, in 1743 and graduated in 1748. He moved to London in 1750 ostensibly to study law, but was never called to the bar. During the 1750s he spent much time in literary society and in 1756 published *A Vindication of Natural Society*. In 1757 he published his influential essay on aesthetics, *A Philosophical Inquiry into the Origin of our Ideas on the Sublime and the Beautiful*. By 1760 Burke was beginning to develop connections with men in public life, and in 1761 he accompanied William Hamilton, the secretary to Lord Halifax, to Ireland in some unspecified capacity.

In 1765 Lord Rockingham became Prime Minister, and Burke became his private secretary. In the same year he was elected as MP for Wendover and rapidly acquired a reputation as a parliamentarian. Burke was active for many years as a kind of parliamentary agent for an important faction of the Whig party. He only sundered his connection with the Whigs at the time of his polemic against the French Revolution. In 1769 he acquired a house and land in Buckinghamshire, probably through the generous assistance of aristocratic associates. From 1774 he served as member for Bristol for six years, until his espousal of the unpopular causes of Catholic Emancipation and the relaxation of the Irish Trade Laws cost him his seat. He was subsequently elected MP for Malton in 1781. He held office as Paymaster of the Forces in 1782, resigned and returned to the same office in 1783 in a coalition government. He retired in 1794. His latter years in politics are known for his unceasing opposition to the French Revolution and the governments that succeeded the Revolution.

The impact of the French Revolution on British politics was considerable, not least because of the fears that it aroused concerning the possibility of revolution in Britain. The *Reflections* are explicitly addressed to those in Britain who wished to introduce the principles of the French Revolution into their own country. This political task faced Burke with a difficulty: how could one defend the British Constitution and its mode of evolution as gradual and incremental, if that development had itself been punctuated by violent and revolutionary events, namely the English Civil War and subsequent protectorate and the Glorious Revolution?

Burke's solution to this problem is to argue that the Revolution was in essence

an evolutionary development, designed to preserve the most important parts of the ancient English constitution, and that the Glorious Revolution was really a piece of judicious pruning of an unhealthy part of the constitution, rather than a root-and-branch upheaval. He had a hundred years of largely evolutionary politics on his side in arguing that the central characteristic of political change was through incremental reform in the context of established customs and institutions, but he extended his argument to cover the principles of political change in general.

Burke's central point is that human beings are creatures of habit with limited powers of theoretical and critical rationality. Their practical rationality operates through a culturally attuned awareness of what is fitting in their own political and social context, and this awareness is informed by the historical experience of the society. On this basis, he argues that the French Revolution was a colossal mistake, based on a misreading of human nature and on a mistaken belief that the ramifications of violent political change can be predicted and controlled. The popularity of the *Reflections*, and the influence that they gained after their publication in 1790, were to a large extent due to the fact that some of his predictions about the future course of events, and particularly about the instability of the *status quo* in 1790 turned out to be correct – albeit due to some extent to the hostility towards the French government engendered by people like himself.

However, it may be doubted that Burke's instincts were right about the longer-term development of the French state, and this is implicitly admitted in the later *Letters on a Regicide Peace*, in which it is admitted that the revolutionary French state is a powerful, dangerous and determined opponent.

The design is wicked, immoral, impious, oppressive but it is spirited and daring: it is systematick; it is simple in its principle; it has unity and consistency in perfection.

(Burke 1796)

According to the Burke of 1790 this should not have been the case, since, according to his view then, the revolutionary government was unstable and would collapse through its own incoherence. On the longer view, Burke seems to have been even more wrong. France has never sloughed off the Republican sentiments that she acquired during the Revolution, and the legacy of the Revolutionary period informs the education, law, customs, politics and culture of the contemporary Fifth Republic.

Most of Burke's work is nowadays not easily accessible. This is a great pity, because the book for which he is most famous, the *Reflections*, might lead one to think that passionate and florid rhetoric was his only literary style. It is true that Burke wrote in an elaborate and classical style (in contrast with Paine), but much of his earlier work, which largely consists of pamphlets and speeches, is much more sober in tone, carefully argued and designed to convince a sceptical audience. Such work includes his writings on internal matters such as the *Thoughts*

on the *Cause of the Present Discontents* (Burke 1784a) and his writings on Irish affairs and on relationships with the American Colonies.

Apart from the *Reflections*, Burke is still known for his aesthetic essay *A Philosophical Inquiry*, which is readily available, and for his speech at the conclusion of the poll in Bristol in 1784, in which he expounded the doctrine of the parliamentary deputy as a representative, exercising his independent and informed judgement, rather than as a delegate, acting on the uninformed opinions of the electorate.

Authoritative instructions, *mandates* issued, which the member is bound blindly and implicitly to obey, to vote, and to argue for, though contrary to the clearest convictions of his judgment and conscience – these are the things utterly unknown to the laws of this land, and which arise from a fundamental mistake of the whole order and tenour of our Constitution.

(Burke 1784b, cited in Morley ([1867] 1993): 56)

Burke spent most of his adult life as a deeply practical political animal, engaged in the business of a parliamentarian and the manager of an important faction of a political party. Hume recognised the importance of political parties to the conduct of politics in the kind of oligarchic society that Britain was in the eighteenth century. He saw them as representing great interests in society whose differences needed to be managed and accommodated within existing political arrangements: in this context, within the parliamentary system. Implicit in this argument is a recognition, in the Aristotelian tradition of thinking about politics, that political society is complex and incorporates competing conceptions of the good. In a situation where there is a functional legislature and debating forum, political parties are a necessary means of expressing that complexity.

Burke, however, in a courageous and outspoken manner, went further than this. He argued that it was a positive duty for anyone serious about their political views to engage with others to promote them. Not to do so betokened a lack of moral seriousness. Far from political faction being a seedy recourse for oiling the political wheels, it should be seen as the appropriate way for an honourable politician to engage in his trade.

It is surely no very rational account of a man's life, that he has always taken special care to act in such a manner that his endeavours could not possibly be productive of any consequence.

(Burke ([1784a] 1912): 82–3)

and again:

Party is a body of men united, for promoting by their joint endeavours the national interest, upon some particular principle in which they are all agreed. For my part, I find it impossible to conceive, that any one who believes in his

own politics, or thinks them to be of any weight, who refuses to adopt the means of having them reduced to practice.

(*ibid.*: 86)

Burke argues here that parties should exist to serve the national interest in a principled way, but that what that principle may be can be interpreted sincerely in different ways by different people. Although a politician of an oligarchic faction, who explicitly opposed democracy, Burke here sets out some of the fundamental principles on which parliamentary democracy is based: parties represent *national* interests and should aspire to the governance of their polities (making it problematic whether the political parties of Northern Ireland, for example, are parties in his sense), and that they embody sincerely held conceptions of the good that, in different parties, exist in rivalry with each other. Expounding this view and putting it into practice was, perhaps, Burke's most lasting contribution to politics and political theory.

Reflections on the Revolution in France is a difficult book to read, partly because of the classical rhetorical style in which it is written (together with the absence of section or chapter divisions within the body of the text, which makes it extremely difficult to find one's way around without using home-made topic indicators inserted into the text). As has already been suggested, Burke was interested in larger issues than the French Revolution. The *Reflections* are also a reflection on the nature of political society and political change.

One of the key issues for Burke in his defence of the continuity of political arrangements is the hereditary principle for choosing the monarch. Burke is careful to defend hereditary monarchy within a constitutional context. His argument is that well-trying political arrangements, which have been altered incrementally over generations, are the only sure way of promoting the happiness of the population. Men simply cannot encompass the complexity of a developed political society so as to refound it completely on theoretical principles. Hereditary monarchy in Britain is a foundational part of the constitution; it has undergone numerous changes as the constitution has evolved, and, by implication, will continue to do so. The violent overthrow of a tyrant is always something that can only be considered *in extremis*, and, when it does occur, should happen in such a way that the constitution is strengthened rather than destroyed. In this way Burke manages to take account of the chequered history of monarchy in England while continuing to defend the institution. A key premise of Burke's argument is, however, that the constitution of England is fundamentally sound. However true that might have been, it does not follow that the same was true for France, although Burke seemed to think that it was. Other commentators – like Carlyle, by no means a revolutionary himself – disagreed, and maintained that it was precisely the inability of the French monarchy and aristocracy to enact necessary and sensible reform that was to prove their downfall.

Burke and Paine are inextricably tied together through their controversy concerning the hereditary principle (see the extract in Chapter 11). The subtleties of Burke's position are easily ridiculed by Paine who, in addition, makes telling

points about the failures, both practical and moral, of the hereditary principle. Burke is, however, arguing as much for the importance of a historically developed constitution as he is for a monarchy, and, for him, any old monarchy would not do: only one that is tied to a historically developed and functional set of arrangements for the governing of a polity. Burke's emphasis on historical continuity and cultural particularity have obvious affinities with other contemporary or near-contemporary political theorists, most notably Montesquieu and Hume.

There are strong affinities between Hume's general philosophical outlook, and the political views that flowed from it, and the more practically engaged thought of Burke. Both stress the unforeseen consequences of human action and our congenital inability to make large-scale and long-term plans for the future. Both attach the greatest importance to custom and practice in the genesis and maintenance of social and political arrangements. Both are sceptical about the extent of human rationality. For Hume, rationality serves the more atavistic side of our nature. Burke shares his scepticism about the power of individual reason and sees the solution to the problem of managing uncertainty and complexity in a social and intergenerational banking of wisdom:

We are afraid to put men to live and trade each on his own private stock of reason; because we suspect that this stock in each man is small, and that the individuals would do better to avail themselves of the general bank and capital of nations, and of ages.

(Burke ([1790] 1968): 183)

Montesquieu, Hume and Burke share an essentially secular view of the world and of political life. Hume's semi-open hostility to religion cannot be found in these other writers, and Hume often writes as if he believes that not only is religion untrue, it also, by engendering fanaticism and superstition, becomes a scourge of the body politic. Burke and Montesquieu seem to share an essentially pragmatic view of religion, seeing it as a way of giving meaning and order to life. Finally, there are affinities with Hobbes. A continuing theme of the *Reflections* is the likelihood of a descent into chaos if established political arrangements are overthrown.

It is easy to view Burke's *Reflections* as a manifesto for counter-revolution everywhere. Indeed, much of its continuing popularity is based upon that perception. It is doubtful, though, whether Burke would have seen his book in that light. Although he appeared to become an extreme reactionary in his later years, this was due to his perception of the changing context of British politics. He advocated judicious treatment of the American and Irish colonies in earlier years, and so cannot be counted as a simple-minded friend of counter-revolution. His Irish background gave him an acute appreciation of the injustices under which Irish subjects of the crown felt themselves to be labouring.

Burke saw himself defending a particular mode of government, whose future evolution he could not foresee, but threats to which he could. For him, these threats became particularly ominous with the advent of the French Revolution. If

the principles of the Revolution crossed the Channel, then the mode of development of an oligarchic society dominated by a gentry that was capable of absorbing other vigorous sections of society would have come under threat. Burke himself acknowledges implicitly that his early predictions concerning the progress of the French Revolution were erroneous, but his hostility goes much deeper than misgivings about the ability of the Jacobins to maintain a viable polity. He hated the Revolution because it represented an alternative form of political development which involved the overthrow of an established constitutional order.

Burke's status as a counter-revolutionary thinker is, therefore, quite circumscribed. One might maintain a qualified acceptance of his distaste for the wholesale overthrow of established and functional constitutional governments, but disagree over what pace of reform was possible or desirable within such frameworks. Alternatively, one might disagree with Burke's view that pre-Revolutionary France had a constitution capable of accommodating reform in the interest of the least-favoured members of society. It is in his under-generous assessment of the former possibility and his over-generous assessment of the latter that Burke may be considered to be a reactionary in a qualified sense.

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EXTRACT FROM EDMUND BURKE, *REFLECTIONS ON THE REVOLUTION IN FRANCE*

When they say the king owes his crown to the choice of his people, and is therefore the only lawful sovereign in the world, they will perhaps tell us they mean to say no more than that some of the king's predecessors have been called to the throne by some sort of choice; and therefore he owes his crown to the choice of his people. Thus, by a miserable subterfuge, they hope to render their proposition safe, by rendering it nugatory. They are welcome to the asylum they seek for their offence, since they take refuge in their folly. For, if you admit this interpretation, how does their idea of election differ from our idea of inheritance? And how does the settlement of the crown in the Brunswick line derived from James the first, come to legalize our monarchy, rather than that of any of the neighbouring countries? At some time or other, to be sure, all the beginners of dynasties were chosen by those who called them to

govern. There is ground enough for the opinion that all the kingdoms of Europe were at a remote period, elective, with more or fewer limitations in the objects of choice; but whatever kings might have been here or elsewhere, a thousand years ago, or in whatever manner the ruling dynasties of England or France may have begun, the King of Great Britain is at this day king by a fixed rule of succession, according to the laws of his country; and whilst the legal conditions of the compact of sovereignty are performed by him (as they are performed) he holds his crown in contempt of the choice of the Revolution Society, who have not a single vote for a king amongst them, either individually or collectively; though I make no doubt they would soon erect themselves into an electoral college, if things were ripe to give effect to their claim. His majesty's heirs and successors, each in his time and order, will come to the crown with the same contempt of their choice with which his majesty has succeeded to that he wears. Whatever may be the success of evasion in explaining away the gross error of *fact*, which supposes that his majesty (though he holds it in concurrence with their wishes) owes his crown to the choice of his people, yet nothing can evade their full explicit declaration, concerning the principle of a right in the people to choose, which right is directly maintained, and tenaciously adhered to. All the oblique insinuations concerning election bottom in this proposition, and are referable to it. Lest the foundation of the king's exclusive legal title should pass for a mere rant of adulatory freedom, the political Divine proceeds dogmatically to assert that by the principles of the Revolution the people of England have acquired three fundamental rights, all which, with him, compose one system and lie together in one short sentence; namely, that we have acquired a right

1. 'To choose our own governors.'
2. 'To cashier them for misconduct.'
3. 'To frame a government for ourselves.'

This new, and hitherto unheard-of bill of rights, though made in the name of the whole people, belongs to those gentlemen and their faction only. The body of the people of England have no share in it. They utterly disclaim it. They will resist the practical assertion of it with their lives and fortunes. They are bound to do so by the laws of their country, made at the time of that very Revolution, which is appealed to in favour of the fictitious rights claimed by the society which abuses its name.

These gentlemen of the Old Jewry, in all their reasonings on the Revolution of 1688, have a revolution which happened in England about forty years before, and the late French revolution, so much before their eyes, and in their hearts, that they are constantly confounding all the three together. It is necessary that we should separate what they confound. We must recall their erring fancies to the *acts* of the Revolution which we revere, for the discovery of its true *principles*. If the *principles* of the Revolution of 1688 are any where to be found, it is

in the statute called the *Declaration of Right*. In that most wise, sober, and considerate declaration, drawn up by great lawyers and great statesmen, and not by warm and inexperienced enthusiasts, not one word is said, nor one suggestion made, of a general right ‘to choose our own governors; to cashier them for misconduct; and to *form* a government for ourselves.’

This Declaration of Right (the act of the 1st of William and Mary. sess. 2. ch. 2.) is the cornerstone of our constitution, as reinforced, explained, improved, and in its fundamental principles for ever settled. It is called ‘An act for declaring the rights and liberties of the subject, and for *settling* the *succession* of the crown.’ You will observe, that these rights and this succession are declared in one body, and bound indissolubly together.

A few years after this period, a second opportunity offered for asserting a right of election to the crown. On the prospect of a total failure of issue from King William, and from the Princess, afterwards Queen Anne, the consideration of the settlement of the crown, and of a further security for the liberties of the people, again came before the legislature. Did they this second time make any provision for legalizing the crown on the spurious Revolution principles of the Old Jewry? No. They followed the principles which prevailed in the Declaration of Right; indicating with more precision the persons who were to inherit in the Protestant line. This act also incorporated, by the same policy, our liberties, and an hereditary succession in the same act instead of a right to choose our own governors, they declared that the *succession* in that line (the protestant line drawn from James the First) was absolutely necessary ‘for the peace, quiet, and security of the realm’, and that it was equally urgent on them ‘to maintain a *certainty in the succession* thereof, to which the subjects may safely have recourse for their protection’. Both these acts, in which are heard the unerring, unambiguous oracles of Revolution policy, instead of countenancing the delusive, gypsy predictions of a ‘right to choose our governors,’ prove to a demonstration how totally adverse the wisdom of the nation was from turning a case of necessity into a rule of law.

Unquestionably there was at the Revolution, in the person of King William, a small and a temporary deviation from the strict order of a regular hereditary succession; but it is against all genuine principles of jurisprudence to draw a principle from a law made in a special case, and regarding an individual person. *Privilegium non transit in exemplum*. If ever there was a time favourable for establishing the principle, that a king of popular choice was the only legal king, without all doubt it was at the Revolution. Its not being done at that time is a proof that the nation was of opinion it ought not to be done at any time. There is no person so completely ignorant of our history, as not to know, that the majority in parliament of both parties were so little disposed to any thing resembling that principle, that at first they were determined to place the vacant crown, not on the head of the prince of Orange, but on that of his wife Mary, daughter of King James, the eldest born of the Issue of that king. which they acknowledged as undoubtedly his. It would be to repeat a very trite story to recall to your memory all those circumstances which demonstrated that their accepting King William was not properly a *choice*; but to all those who did not wish, in effect to recall King James, or to deluge their country in blood, and again to bring their religion, laws, and liberties into the peril

they had just escaped, it was an act of *necessity*, in the strictest moral sense in which necessity can be taken.

In the very act, in which for a time, and in a single case, parliament departed from the strict order of inheritance, in favour of a prince who, though not next, was however very near in the line of succession, it is curious to observe how Lord Somers, who drew the bill called the Declaration of Right, has comported himself on that delicate occasion. It is curious to observe with what address this temporary solution of continuity is kept from the eye, whilst all that could be found in this act of necessity to countenance the idea of an hereditary succession is brought forward, and fostered, and made the most of, by this great man and by the legislature who followed him. Quitting the dry, imperative style of an act of parliament, he makes the lords and commons fall to a pious, legislative ejaculation, and declare, that they consider it 'as a marvellous providence, and merciful goodness of God to this nation, to preserve their said majesties *royal* persons, most happily to reign over us *on the throne of their ancestors*, for which, from the bottom of their hearts, they return their humblest thanks and praises.' – The legislature plainly had in view the act of recognition of the first of Queen Elizabeth, Chap. 3d, and of that of James the First, Chap. 1st, both acts strongly declaratory of the inheritable nature of the crown; and in many parts they follow, with a nearly literal precision, the words and even the form of thanks-giving, which is found in these old declaratory statutes.

The two houses, in the act of king William, did not thank God that they had found a fair opportunity to assert a right to choose their own governors, much less to make an election the only lawful title to the crown. Their having been in a condition to avoid the very appearance of it, as much as possible, was by them considered as a providential escape. They threw a politic, well-wrought veil over every circumstance tending to weaken the rights, which in the meliorated order of succession they meant to perpetuate; or which might furnish a precedent for any future departure from what they had then settled for ever. Accordingly, that they might not relax the nerves of their monarchy, and that they might preserve a close conformity to the practice of their ancestors, as it appeared in the declaratory statutes of queen Mary and queen Elizabeth, in the next clause they vest, by recognition, in their majesties, *all* the legal prerogatives of the crown, declaring 'that in them they are most *fully*, rightfully, and *intirely* invested, incorporated, united and annexed'. In the clause which follows, for preventing questions, by reason of any pretended titles to the crown, they declare (observing also in this with the traditionary language, along with the traditionary policy of the nation, and repeating them as from a rubric the language of the preceding acts of Elizabeth and James) that on the preserving of 'a *certainty* in the *succession* thereof, the unity, peace, and tranquillity of this nation doth, under God, wholly depend.'

They knew that a doubtful title of succession election would but too much resemble an election; and that an election be utterly destructive of the 'unity, peace, and tranquillity of this nation', which they thought to be considerations of some moment. To provide for these objects, and therefore to exclude for ever the old Jewry doctrine of 'a right to choose our own

governors', they follow with a clause, containing a most solemn pledge, taken from the preceding act of Queen Elizabeth, as solemn a pledge as ever was or can be given in favour of an hereditary succession, and as solemn a renunciation as could be made of the principles of this society imputed to them. 'The lords spiritual and temporal, and commons, do, in the name of all the people aforesaid, most humbly and faithfully submit *themselves, their heirs and posterities for ever*; and do faithfully promise, that they will stand to, maintain, and defend their said majesties, and also the *limitation of the crown*, herein specified and contained. to the utmost of their powers,' &c. &c.

So far is it from being true, that we acquired a right by the Revolution to elect our kings, that if we had possessed it before, the English nation did at that time most solemnly renounce and abdicate it, for themselves and for all their posterity for ever. These gentlemen may value themselves as much as they please on their whig principles; but I never desire to be thought a better whig than Lord Somers; or to understand the principles of the Revolution better than those by whom it was brought about; or to read in the declaration of right any mysteries unknown to those whose penetrating style has engraved in our ordinances, and in our hearts, the words and spirit of that immortal law.

It is true that, aided with the powers derived from force and opportunity, the nation was at that time, in some sense, free to take what course it pleased for filling the throne; but only free to do so upon the same grounds on which they might have wholly abolished their monarchy, and every other part of their constitution. However they did not think such bold changes within their commission. It is indeed difficult, perhaps impossible, to give limits to the mere abstract competence of the supreme power, such as was exercised by parliament at that time; but the limits of a moral competence, subjecting, even in powers more indisputably sovereign, occasional will to permanent reason, and to the steady maxims of faith, justice, and fixed fundamental policy, are perfectly intelligible and perfectly binding upon those who exercise any authority, under any name, or under any title, in the state. The house of lords, for instance, is not morally competent to dissolve the house of commons; no, nor even to dissolve itself, nor to abdicate, if it would, its portion in the legislature of the kingdom. Though a king may abdicate for his own person, he cannot abdicate for the monarchy. By as strong, or by a stronger reason, the house of commons cannot renounce its share of authority. The engagement and pact of society, which generally goes by the name of the constitution, forbids such invasion and such surrender. The constituent parts of a state are obliged to hold their public faith with each other, and with all those who derive any serious interest under their engagements, as much as the whole state is bound to keep its faith with separate communities.

Otherwise competence and power would soon be confounded, and no law be left but the will of a prevailing force. On this principle the succession of the crown has always been what it now is, an hereditary succession by law: in the old line it was a succession by the common law; in the new by the statute law, operating on the principles of the common law, not changing the substance, but regulating the mode, and describing the persons. Both these

descriptions of law are of the same force, and are derived from an equal authority, emanating from the common agreement and original compact of the state, *communi sponsione reipublicae*, and as such are equally binding on king, and people too, as long as the terms are observed, and they continue the same body politic.

It is far from impossible to reconcile, if we do not suffer ourselves to be entangled in the mazes of metaphysic sophistry, the use both of a fixed rule and an occasional deviation; the sacredness of an hereditary principle of succession in our government, with a power of change in its application in cases of extreme emergency. Even in that extremity (if we take the measure of our rights by our exercise of them at the Revolution) the change is to be confined to the peccant part only; to the part which produced the necessary deviation; and even then it is to be effected without a decomposition of the whole civil and political mass, for the purpose of originating a new civil order out of the first elements of society.

A state without the means of some change is without the means of its conservation. Without such means it might even risque the loss of that part of the constitution which it wished the most religiously to preserve. The two principles of conservation and correction operated strongly at the two critical periods of the Restoration and Revolution, when England found itself without a king. At both those periods the nation had lost the bond of union in their antient edifice; they did not however, dissolve the whole fabric. On the contrary, in both cases they regenerated the deficient part of the old constitution through the parts which were not impaired. They kept these old parts exactly as they were, that the part recovered might be suited to them. They acted by the ancient organized states in the shape of their old organization, and not by the organic molecule of a disbanded people. At no time, perhaps, did the sovereign legislature manifest a more tender regard to that fundamental principle of British constitutional policy, than at the time of the Revolution, when it deviated from the direct line of hereditary succession. The crown was carried somewhat out of the line in which it had before moved; but the new line was derived from the same stock. It was still a line of hereditary descent; still an hereditary descent in the same blood, though an hereditary descent qualified with protestantism. When the legislature altered the direction, but kept the principle, they shewed that they held it inviolable.

On this principle, the law of inheritance had admitted some amendment in the old time, and long before the aera of the Revolution. Some time after the conquest great questions arose upon the legal principles of hereditary descent. It became a matter of doubt, whether the heir *per capita* or the heir *per stirpes* was to succeed; but whether the heir *per capita* gave way when the heirdom *per stirpes* took place, or the Catholic heir when the Protestant was preferred, the inheritable principle survived with a sort of immortality through all transmigrations – *multosque per annos stat fortuna domus et avi numerantur avorum*. This is the spirit of our constitution, not only in its settled course, but in all its revolutions. Whoever came in, or however he came in, whether he obtained the crown by law, or by force, the hereditary succession was either continued or adopted.

The gentlemen of the Society for Revolutions see nothing in that of 1688 but the deviation from the constitution; and they take the deviation from the principle for the principle. They have little regard to the obvious consequences of their doctrine, though they must see, that it leaves positive authority in very few of the positive institutions of this country. When such an unwarrantable maxim is once established, that no throne is lawful but the elective, no one act of the princes who preceded their aera of fictitious election can be valid. Do these theorists mean to imitate some of their predecessors who dragged the bodies of our antient sovereigns out of the quiet of their tombs? Do they mean to attain and disable backwards all the kings that have reigned before the Revolution, and consequently to stain the throne of England with the blot of a continual usurpation? Do they mean to invalidate, annul, or to call into question, together with the titles of the whole line of our kings, that great body of our statute law which passed under those whom they treat as usurpers? to annul laws of inestimable value to our liberties – of as great value at least as any which have passed at or since the period of the Revolution? If kings, who did not owe their crown to the choice of their people, had no title to make laws, what will become of the statute *de tallagio non concedendo*? – of the *petition of right*? – of the act of *habeas corpus*? Do these new doctors of the rights of men presume to assert, that King James the Second, who came to the crown as next of blood, according to the rules of a then unqualified succession, was not to all intents and purposes a lawful king of England, before he had done any of those acts which were justly construed into an abdication of his crown? If he was not, much trouble in parliament might have been saved at the period these gentlemen commemorate. But King James was a bad king with a good title, and not an usurper. The princes who succeeded according to the act of parliament which settled the crown on the Electress Sophia and on her descendants, being Protestants, came in as much by a title of inheritance as King James did. He came in according to the law, as it stood at his accession to the crown; and the princes of the house of Brunswick came to the inheritance of the crown, not by election, but by the law, as it stood at their several accessions of Protestant descent and inheritance, as I hope I have shewn sufficiently.

The law by which this royal family is specifically destined to the succession, is the act of the 12th and 13th of King William. The terms of this act bind ‘us and our heirs, and our posterity, to them, their heirs, and their posterity’, being Protestants, to the end of time, in the same words as the declaration of right had bound us to the heirs of King William and Queen Mary. It therefore secures both an hereditary crown and an hereditary allegiance. On what ground, except the constitutional policy of forming an establishment to secure that kind of succession which is to preclude a choice of the people for ever, could the legislature have fastidiously rejected the fair and abundant choice which our own country presented to them, and searched in strange lands for a foreign princess, from whose womb the line of our future rulers were to derive their title to govern millions of men through a series of ages?

The Princess Sophia was named in the act of settlement of the 12th and 13th of King

William, for a *stock* and root of *inheritance* to our kings, and not for her merits as a temporary administratrix of a power, which she might not and in fact did not, herself ever exercise. She was adopted for one reason, and for one only, because, says the act, ‘the most excellent Princess Sophia, Electress and Dutchess Dowager of Hanover, is *daughter of* the most excellent Princess Elizabeth, late Queen of Bohemia, *daughter of* our late *Sovereign lord* King James the First, of happy memory, and is hereby declared to be the next in *succession* in the Protestant line,’ &c. &c.; ‘and the crown shall continue to the *heirs* of her body, being Protestants.’ This limitation was made by parliament, that through the Princess Sophia an inheritable line, not only was to be continued in future but (what they thought very material) that through her it was to be connected with the old stock of inheritance in King James the First; in order that the monarchy might preserve an unbroken unity through all ages, and might be preserved (with safety to our religion) in the old approved mode by descent, in which, if our liberties had been once endangered, they had often, through all storms and struggles of prerogative and privilege, been preserved. They did well. No experience has taught us, that in any other course or method than that of an *hereditary crown*, our liberties can be regularly perpetuated and preserved sacred as our *hereditary right*. An irregular, convulsive movement may be necessary to throw off an irregular, convulsive disease. But the course of succession is the healthy habit of the British constitution. Was it that the legislature wanted, at the act for the limitation of the crown in the Hanoverian line drawn through the female descendants of James the First, a due sense of the inconveniencies of having two or three, or possibly more, foreigners in succession to the British throne? No! – they had a due sense of the evils which might happen from such foreign rule and more than a due sense of them. But a more decisive proof cannot be given of the full conviction of the British nation, that the principles of the Revolution did not authorize them to elect kings at their pleasure, and without any attention to the antient fundamental principles of our government, than their continuing to adopt a plan of hereditary Protestant succession in the old line, with all the dangers and all the inconveniencies of its being a foreign line full before their eyes and operating with the utmost force upon their minds.

A few years ago I should be ashamed to overload a matter, so capable of supporting itself, by the then unnecessary support of any argument; but this seditious, unconstitutional doctrine is now publicly taught, avowed, and printed. The dislike I feel to revolutions, the signals for which have so often been given from pulpits; the spirit of change that is gone abroad; the total contempt which prevails with you, and may come to prevail with us, of all antient institutions, when set in opposition to a present sense of convenience, or to the bent of a present inclination: all these considerations make it not unadvisable, in my opinion, to call back our attention to the true principles of our own domestic laws; that you, my French friend, should begin to know, and that we should continue to cherish them. We ought not, on either side of the water, to suffer ourselves to be imposed upon by the counterfeit wares which some persons, by a double fraud, export to you in illicit bottoms as raw commodities of British growth though wholly alien to our soil, in order afterwards to smuggle them back

again into this country, manufactured after the newest Paris fashion of an improved liberty. The people of England will not ape the fashions they have never tried; nor go back to those which they have found mischievous on trial. They look upon the legal succession of their crown as among their rights, not as among their wrongs; as a benefit, not as a grievance; as a security for their liberty, not as a badge of servitude. They look on the frame of their commonwealth, *such as it stands*, to be of inestimable value; and they conceive the undisturbed succession of the crown to be a pledge of the stability and perpetuity of all the other members of our constitution.

I shall beg leave, before I go any further, to take notice of some paltry artifices, which the abettors of election as the only lawful title to the crown, are ready to employ in order to render the support of the just principles of our constitution a task somewhat invidious. These sophisters substitute a fictitious cause, and feigned personages, in whose favour they suppose you engaged, whenever you defend the inheritable nature of the crown. It is common with them to dispute as if they were in a conflict with some of those exploded fanatics of slavery, who formerly maintained, what I believe no creature now maintains, ‘that the crown is held by divine hereditary and indefeasible right.’ – These old fanatics of single arbitrary power dogmatized as if hereditary royalty was the only lawful government in the world, just as our new fanatics of popular arbitrary power, maintain that a popular election is the sole lawful source of authority. The old prerogative enthusiasts, it is true, did speculate foolishly, and perhaps impiously too, as if monarchy had more of a divine sanction than any other mode of government; and as if a right to govern by inheritance were in strictness *indefeasible* in every person, who should be found in the succession to a throne, and under every circumstance, which no civil or political right can be. But an absurd opinion concerning the king’s hereditary right to the crown does not prejudice one that is rational, and bottomed upon solid principles of law and policy. If all the absurd theories of lawyers and divines were to vitiate the objects in which they are conversant, we should have no law, and no religion, left in the world. But an absurd theory on one side of a question forms no justification for alledging a false fact, or promulgating mischievous maxims on the other.

The second claim of the Revolution Society is ‘a right of cashiering their governors for misconduct’. Perhaps the apprehensions our ancestors entertained of forming such a precedent as that ‘of cashiering for misconduct’, was the cause that the declaration of the act which implied the abdication of King James, was, if it had any fault, rather too guarded, and too circumstantial.¹ But all this guard, and all this accumulation of circumstances, serves to shew the spirit of caution which predominated in the national councils, in a situation in which men irritated by oppression, and elevated by a triumph over it, are apt to abandon themselves to violent and extreme courses: it shews the anxiety of the great men who influenced the conduct of affairs at that great event, to make the Revolution a parent of settlement, and not a nursery of future revolutions.

No government could stand a moment, if it could be blown down with any thing so loose

and indefinite as an opinion of 'misconduct'. They who led at the Revolution, grounded the virtual abdication of King James upon no such light and uncertain principle. They charged him with nothing less than a design, confirmed by a multitude of illegal overt acts, to subvert the Protestant church and state, and their fundamental, unquestionable laws and liberties: they charged him with having broken the original contract between king and people. This was more than misconduct. A grave and overruling necessity obliged them to take the step they took, and took with infinite reluctance, as under that most rigorous of all laws. Their trust for the future preservation of the constitution was not in future revolutions. The grand policy of all their regulations was to render it almost impracticable for any future sovereign to compel the states of the kingdom to have again recourse to those violent remedies. They left the crown what, in the eye and estimation of law, it had ever been, perfectly irresponsible. In order to lighten the crown still further, they aggravated responsibility on ministers of state. By the statute of the 1st of King William, sess. 2d, called '*the act for declaring the rights and liberties of the subject, and for settling the succession of the crown*', they enacted, that the ministers should serve the crown on the terms of that declaration. They secured soon after the *frequent meetings of parliament*, by which the whole government would be under the constant inspection and active controul of the popular representative and of the magnates of the kingdom. In the next great constitutional act, that of the 12th and 13th of King William, for the further limitation of the crown, and *better* securing the rights and liberties of the subject, they provided, 'that no pardon under the great seal of England should be pleadable to an impeachment by the commons in parliament.' The rule laid down for government in the Declaration of Right, the constant inspection of parliament, the practical claim of impeachment, they thought infinitely a better security not only for their constitutional liberty, but against the vices of administration, than the reservation of a right so difficult in the practice, so uncertain in the issue, and often so mischievous in the consequences, as that of 'cashiering their governors'.

Dr Price, in this sermon, condemns very properly the practice of gross, adulatory addresses to kings. Instead of this fulsome style, he proposes that his majesty should be told, on occasions of congratulation, that 'he is to consider himself as more properly the servant than the sovereign of his people.' For a compliment, this new form of address does not seem to be very soothing. Those who are servants, in name, as well as in effect, do not like to be told of their situation, their duty, and their obligations. The slave, in the old play, tells his master, *Haec commemoratio est quasi exprobratio*. It is not pleasant as compliment; it is not wholesome as instruction. After all, if the king were to bring himself to echo this new kind of address, to adopt it in terms, and even to take the appellation of Servant of the People as his royal style, how either he or we should be much mended by it, I cannot imagine. I have seen very assuming letters, signed, Your most obedient humble servant. The proudest domination that ever was endured on earth took a title of still greater humility than that which is *now* proposed for sovereigns by the Apostle of Liberty. Kings and nations were trampled upon

by the foot of one calling himself 'the Servant of Servants;' and mandates for deposing sovereigns were sealed with the signet of 'the Fisherman.'

I should have considered all this as no more than a sort of flippant vain discourse, in which as in an unsavoury fume, several persons suffer the spirit of liberty to evaporate, if it were not plainly in support of the idea, and a part of the scheme of 'cashiering kings for misconduct'. In that light it is worth some observation.

Kings, in one sense, are undoubtedly the servants of the people, because their power has no other rational end than that of the general advantage; but it is not true that they are, in the ordinary sense (by our constitution, at least) any thing like servants; the essence of whose situation is to obey the commands of some other, and to be removeable at pleasure. But the king of Great Britain obeys no other person; all other persons are individually, and collectively too, under him, and owe to him a legal obedience. The law, which knows neither to flatter nor to insult, calls this high magistrate, not our servant, as this humble Divine calls him, but '*our sovereign Lord the King*', and we, on our parts, have learned to speak *only* the primitive language of the law, and not the confused jargon of their Babylonian pulpits.

As he is not to obey us, but as we are to obey the law in him, our constitution has made no sort of provision towards rendering him, as a servant, in any degree responsible. Our constitution knows nothing of a magistrate like the *Justicia* of Arragon; nor of any court legally appointed, nor of any process legally settled for submitting the king to the responsibility belonging to all servants. In this he is not distinguished from the commons and the lords; who, in their several public capacities, can never be called to an account for their conduct; although the Revolution Society chooses to assert, in direct opposition to one of the wisest and most beautiful parts of our constitution, that 'a king is no more than the first servant of the public, created by it *and responsible to it*'.

Ill would our ancestors at the Revolution have deserved their fame for wisdom, if they had found no security for their freedom, but in rendering their government feeble in its operations, and precarious in its tenure; if they had been able to contrive no better remedy against arbitrary power than civil confusion. Let these gentlemen state who that representative public is to whom they will affirm the king, as a servant, to be responsible. It will be then time enough for me to produce to them the positive statute law which affirms that he is not.

The ceremony of cashiering kings, of which these gentlemen talk so much at their ease, can rarely, if ever, be performed without force. It then becomes a case of war, and not of constitution. Laws are commanded to hold their tongues amongst arms; and tribunals fall to the ground with the peace they are no longer able to uphold. The Revolution of 1688 was obtained by a just war, in the only case in which any war, and much more a civil war, can be just '*Justa bella quibus necessaria*'. The question of dethroning, or, if these gentlemen like the phrase better, 'cashiering kings', will always be, as it has always been, an extraordinary question of state, and wholly out of the law; a question (like all other questions of state) of dispositions, and of means, and of probable consequences, rather than of positive rights. As it was not made for common abuses, so it is not to be agitated by common minds. The

speculative line of demarcation, where obedience ought to end, and resistance must begin, is faint, obscure, and not easily definable. It is not a single act, or a single event, which determines it. Governments must be abused and deranged indeed, before it can be thought of; and the prospect of the future must be as bad as the experience of the past. When things are in that lamentable condition, the nature of the disease is to indicate the remedy to those whom nature has qualified to administer in extremities this critical, ambiguous, bitter portion to a distempered state. Times and occasions, and provocations, will teach their own lessons. The wise will determine from the gravity of the case; the irritable from sensibility to oppression: the high-minded from disdain and indignation at abusive power in unworthy hands; the brave and bold from love of honourable danger in a generous cause: but, with or without right, a revolution will be the very last resource of the thinking and the good.

The third head of right, asserted by the pulpit of the Old Jewry, namely, the 'right to form a government for ourselves', has, at least, as little countenance from any thing done at the Revolution, either in precedent or principle, as the two first of their claims. The Revolution was made to preserve our *antient* indisputable laws and liberties and that *antient* constitution of government which is our only security for law and liberty. If you are desirous of knowing the spirit of our constitution, and the policy which predominated in that great period which has secured it to this hour, pray look for both in our histories, in our records, in our acts of parliament, and journals of parliament, and not in the sermons of the Old Jewry, and the after-dinner toasts of the Revolution Society. – In the former you will find other ideas and another language. Such a claim is as ill-suited to our temper and wishes as it is unsupported by any appearance of authority. The very idea of the fabrication of a new government, is enough to fill us with disgust and horror. We wished at the period of the Revolution, and do now wish to derive all we possess as an inheritance from our forefathers. Upon that body and stock of inheritance we have taken care not to inoculate any cyon alien to the nature of the original plant. All the reformation we have hitherto made, have proceeded upon the principle of reference to antiquity; and I hope, nay I am persuaded, that all those which possibly may be made hereafter, will be carefully formed upon analogical precedent, authority, and example.

Our oldest reformation is that of Magna Charta. You will see that Sir Edward Coke, that great oracle of our law, and indeed all the great men who follow him, to Blackstone, are industrious to prove the pedigree of our liberties.

They endeavour to prove, that the antient charter, the Magna Charta of King John, was connected with another positive charter from Henry I and that both the one and the other were nothing more than a re-affirmance of the still more antient standing law of the kingdom. In the matter of fact, for the greater part, these authors appear to be in the right; perhaps not always, but if the lawyers mistake in some particulars, it proves my position still the more strongly; because it demonstrates the powerful prepossession towards antiquity, with which the minds of all our lawyers and legislators, and of all the people whom they wish to

influence, have been always filled; and the stationary policy of this kingdom in considering their most sacred rights and franchises as an *inheritance*.

In the famous law of the 3d of Charles I called the *Petition of Right*, the parliament says to the king, ‘your subjects have inherited this freedom’, claiming their franchises not on abstract principles ‘as the rights of men’, but as the rights of Englishmen, and as a patrimony derived from their forefathers. Selden, and the other profoundly learned men, who drew this petition of right, were as well acquainted, at least, with all the general theories concerning the ‘rights of men’, as any of the discourses in our pulpits, or on your tribune; full as well as Dr Price, or as the Abbé Seyes. But, for reasons worthy of that practical wisdom which superseded their theoretic science, they preferred this positive, recorded, hereditary title to all which can be dear to the man and the citizen, to that vague speculative right, which exposed their sure inheritance to be scrambled for and torn to pieces by every wild litigious spirit.

The same policy pervades all the laws which have since been made for the preservation of our liberties. In the 1st of William and Mary, in the famous statute, called the Declaration of Right, the two houses utter not a syllable of a right to frame a government for themselves. You will see, that their whole care was to secure the religion, laws, and liberties that had been long possessed, and had been lately endangered. ‘Taking into their most serious consideration the best means for making such an establishment, that their religion, laws, and liberties, might not be in danger of being again subverted’, they auspicate all their proceedings, by stating as some of those best means, ‘in the first place’ to do ‘as their ancestors in like cases have usually done for vindicating their antient rights and liberties, to declare’ – and then they pray the king and queen, that it may be declared and enacted, that all and singular the rights and liberties asserted and declared are the true antient and indubitable rights and liberties of the people of this kingdom.’

You will observe, that from Magna Charta to the Declaration of Right, it has been the uniform policy of our constitution to claim and assert our liberties, as an *entailed inheritance* derived to us from our forefathers, and to be transmitted to our posterity; as an estate specially belonging to the people of this kingdom without any reference whatever to any other more general or prior right. By this means our constitution preserves an unity in so great a diversity of its parts. We have an inheritable crown; an inheritable peerage; and an house of commons and a people inheriting privileges, franchises, and liberties, from a long line of ancestors.

This policy appears to me to be the result of profound reflection; or rather the happy effect of following nature, which is wisdom without reflection, and above it. A spirit of innovation is generally the result of a selfish temper and confined views. People will not look forward to posterity. who never look backward to their ancestors. Besides, the people of England well know, that the idea of inheritance furnishes a sure principle of conservation, and a sure principle of transmission; without at all excluding a principle of improvement. It leaves acquisition free; but it secures what it acquires. Whatever advantages are obtained by a state

proceeding on these maxims are locked fast as in a sort of family settlement; grasped as in a kind of mortmain for ever. By a constitutional policy, working after the pattern of nature, we receive, we hold, we transmit our government and our privileges, in the same manner in which we enjoy and transmit our property and our lives. The institutions of policy, the goods of fortune, the gifts of Providence, are handed down, to us and from us, in the same course and order. Our political system is placed in a just correspondence and symmetry with the order of the world and with the mode of existence decreed to a permanent body composed of transitory parts; wherein, by the disposition of a stupendous wisdom, moulding together the great mysterious incorporation of the human race, the whole, at one time, is never old, or middle-aged, or young, but in a condition of unchangeable constancy, moves on through the varied tenour of perpetual decay, fall, renovation, and progression. Thus, by preserving the method of nature in the conduct of the state, in what we improve we are never wholly new; in what we retain we are never wholly obsolete. By adhering in this manner and on those principles to our forefathers, we are guided not by the superstition of antiquarians, but by the spirit of philosophic analogy. In this choice of inheritance we have given to our frame of polity the image of a relation in blood; binding up the constitution of our country with our dearest domestic ties; adopting our fundamental laws into the bosom of our family affections; keeping inseparable, and cherishing with the warmth of all their combined and mutually reflected charities, our state, our hearths, our sepulchres, and our altars.

Through the same plan of a conformity to nature in our artificial institutions, and by calling in the aid of her unerring and powerful instincts, to fortify the fallible and feeble contrivances of our reason, we have derived several other, and those no small benefits, from considering our liberties in the light of an inheritance. Always acting as if in the presence of canonized forefathers, the spirit of freedom, leading in itself to misrule and excess, is tempered with an awful gravity. This idea of a liberal descent inspires us with a sense of habitual native dignity, which prevents that upstart insolence almost inevitably adhering to and disgracing those who are the first acquirers of any distinction. By this means our liberty becomes a noble freedom. it carries an imposing and majestic aspect. It has a pedigree and illustrating ancestors. It has its bearings and its ensigns armorial. It has its gallery of portraits; its monumental inscriptions; its records, evidences, and titles. We procure reverence to our civil institutions on the principle upon which nature teaches us to revere individual men: on account of their age; and on account of those from whom they are descended. All your sophisters cannot produce any thing better adapted to preserve a rational and manly freedom than the course that we have pursued, who have chosen our nature rather than our speculations, our breasts rather than our inventions, for the great conservatories and magazines of our rights and privileges.

Note

1. That King James the second, having endeavoured to *subvert the constitution* of the kingdom, by breaking the *original contract* between king and people, and by the advice of jesuits, and other wicked persons, having violated the *fundamental laws*, and *having withdrawn himself* out of the kingdom, both abdicated the government, and the throne is thereby vacant.

11 Thomas Paine (1737–1809)

Thomas Paine was one of the most colourful characters in the Enlightenment period, not least because of his status as an influential revolutionary and an important political figure. In many ways his political activism has served to overshadow the vitality of his political thought. Paine was born in England, at Thetford in Norfolk, in 1737 but came to prominence as a radical pamphleteer after emigrating to America in 1774. His most important and widely read pamphlet in this period was *Common Sense* (1776) which contained a message of significance for the American Revolution. Paine was an active participant on the side of the colonists in the American War of Independence and acted as propagandist (notably helping to keep the Revolutionary army together through the winter of 1776), soldier and clerk to the Assembly of Pennsylvania. Crucially, he was instrumental in setting up a national bank in order to finance the war effort. However, having seen his ideas for America come to fruition, and wishing to further his interest in the invention of an iron bridge, he returned to Europe in 1787, whereupon he began to engage with the emerging radicalism.

His most famous work *Rights of Man*, published in two volumes in 1791 and 1792, established Paine as a primary opponent of conservative critics of the French Revolution of 1789, especially Edmund Burke. For his pains he was hounded out of England, but found temporary sanctuary in post-Revolutionary France. Once again he was active in revolutionary politics and was associated with the more conservative Girondin faction; this led to his imprisonment and a narrow escape from execution. On his release from prison he was re-elected to the Assembly and continued to produce political works such as *The Age of Reason* (1794–5) and *Agrarian Justice* (1795). Eventually Paine decided that his future lay in America, but his return in 1802, to a changed country that wrongly perceived him as an atheist, was far from happy. He eventually died, a solitary and lonely figure, in New York in 1809.

Whilst all of the thinkers in this book must be contextualised within their historical era, this is perhaps most important in the case of Paine, not only because his writing influenced the time but also because he participated directly in some of the most important political events at the end of the eighteenth century. Part of the reason for this can be found in the linkage between his politics and his style of writing. Paine was sceptical of high-flown academic treatises, and instead wanted

to produce ideas which were wholly accessible to the uneducated, as he himself had been before his self-tuition. The result was a direct and polemical style which certainly proved to be popular, although modern commentators tend to see him as a less sophisticated theorist than some of his contemporaries (Hampsher-Monk 1992). That said, there is little doubt that Paine's work struck a chord with the people for whom he produced it, and clearly his ideas emanated from and contributed to the Enlightenment radicalism which marked the political era. Many commentators have noted that Paine was not a particularly original thinker, but few could dispute the power of his writing.

Paine's major works are clearly representative of the political climate in which he engaged. Indeed, such was the currency of natural-rights theory in America and France that 'Paine seems to be saying that the doctrine of rights no longer needs defending' (McClelland 1996: 390). In this sense, the most important feature of *Rights of Man* is not the defence or theorisation of natural rights which it provides, but rather the refutation of Burke's critique of the French Revolution and the acute analysis of Burke's somewhat selective reading of history. Building upon this, Paine was to provide an alternative and radical theorisation of government which was closely attuned to an era in which new political systems were being constructed in France and America. With this in view, he was able to criticise the British arrangements (defended by Burke) of monarchical privilege and the power placed in the government by the monarch. Paine was an ardent republican and, for his time, a radical democrat in his advocacy of new forms of representative democracy, but, in the context of the French Revolution, he was never on the far left.

Paine's first major work, *Common Sense*, was published when he was 39. It was one of the major texts which would influence the experiences of the American Revolution. The pamphlet crystallised the thoughts of those who sought to undermine the power of the English over the American colony. Although there had already been much consternation and dissension between the government and the colonies, this began to take the form of outright hostilities in the middle of the 1770s. In this scenario Paine's call for American independence from England and his outspoken critique of the monarchy made a significant contribution to the major debates that were taking place, and his populist tone provided the necessary inspiration for the champions of independence. The major argument in the pamphlet was that it was not commonsensical for a government to pursue activities that would limit social freedoms more than was necessary. Thus Paine viewed society as a natural phenomenon, whereas government was always constructed or artificial (McClelland 1996: 347). If government was always manufactured to protect natural rights, then it was irrational for a government to attack those rights, especially as humans had constructed it. The corollary of this argument was that government was still necessary, but, to be legitimate, it had to be representative of the body of citizens. In no way was this new democratic form to be isolated from the citizenry; rather, Paine believed that government had to be limited in power and, in form, transparent to those who would be governed. This was a far cry from the English system, which was characterised by complexity and defended by

Burke on the grounds that such political organisation made radical opposition less effective.

The effects of *Common Sense* were manifold, and it succeeded in gaining Paine a place in the public eye (although it was initially published anonymously). It demonstrated that he had an opportunistic understanding of the situations he encountered: e.g. the unique conditions for formulating a new democracy which existed in America. He continued to engage in political writing (along with other scientific work) in the following fifteen years, but his next major work (and his most important), the *Rights of Man*, was published in 1791 and 1792. This book would achieve even greater political significance and longer-lasting influence than *Common Sense*. It was a direct and thorough dissection of the important argument put forward by Paine's erstwhile friend Edmund Burke in *Reflections on the Revolution in France*. Moreover, in contrast to Burke's high-flown rhetorical argument, which struck a chord with his massive readership, Paine set about articulating a tightly constructed analysis which would be understood by the masses, rather than just the governing elites. The main argument was that the Revolution was an embodiment of attempts to reground the natural rights that individuals had as a result of their basic existence. Moreover, these rights applied to all equally, and this formed the basis of Paine's belief in universal suffrage and his opposition to arbitrary sovereignty being placed in a hereditary monarchy. On top of this, he believed that the primacy of human liberty enshrined in natural rights entailed a freedom of religious belief.

This was a theme that would reappear as the focus in the last of his major works *The Age of Reason* (1794–5). Here Paine was at his most provocative, as he lambasted the mythology of Christianity (although the book was never atheistic as it was believed to be by his critics). His theology did not dispute the existence of God; rather, he reserved severe criticism for the effects of organised religion on the people. On religions, Keane notes, 'Paine tried to label all of them as means to unequal wealth and power. Religion serves the avarice of priests and politicians. It is everywhere a force that crushes the life out of potential citizens' (Keane 1996: 393–4). Thus Paine argued that the belief in God did not entail the complication of God's authority by worldly figures whose activities served to obscure the relationship between individuals and their God. As with government, the organisation of an individual's religious affiliation should be simple. In this sense the fusion of religious authority with political authority in monarchic governments was doubly reprehensible. At the same time, atheism was growing around him, and Paine criticised proponents of atheism for forgetting key Christian values. Despite the confused reaction to the publication of *The Age of Reason*, it was a typically popular and widely read Paine offering; and indeed it had a more significant impact on the later years of his life (because of his return to America with a reputation as an atheist) than his most celebrated works.

Paine continued to write pamphlets and letters until the end of his life. Worth mentioning here is his neglected work on economics, especially that expressed in the pamphlet *Agrarian Justice*. This followed on from *The Age of Reason*, in the sense that it was a refutation of the argument put forward by some elements of the

clergy that poverty was an outcome of God's will. In rejecting this proposition Paine presented one of the earliest models of a welfare state, and some of his proposals are particularly resonant today, especially for welfare liberals (see Little 1999).

The essence of *Rights of Man* is the explanation of natural rights and the political arrangements that can best be extrapolated from the protection of those rights. Paine argues that natural rights are universal, in that they apply to all. Indeed he was one of the first thinkers to apply the notion of natural rights to women and the lower social classes. In this sense, rights were not to be upheld only for those with property or power but for all equally. Clearly the rights that pertained to individuals in the state of nature were not identically realisable in the modern world but in civil society they were rather experienced as civil rights, such as the freedom of thought, speech, religion, etc. These were rights which existed in civil society and could not be violated by the government. The limited role of government was to protect rights and also to carry out the roles attributed to the state by individuals, in the knowledge that some rights needed to be collectively upheld. Thus, for example, there was a role for the state in dispensing justice, as the system would operate more effectively if organised by an agreed external body rather than having individuals going around doling out their own perceived version of justice. That said, the power of sovereignty always lay with the citizen body and the contractual arrangements that citizens established with each other and the state. In this sense, the state was necessary, as were the representative democratic institutions which would sustain its jurisdiction, but at the same time the areas of jurisdiction would be strictly restricted. Paine was clear that he envisaged the best form of government as that which would be cheapest, as long as it was effective (Philp 1989).

Part of the reason for Paine's belief in limited government (and, with it, his rejection of the defence of strong centralised powers advocated by Hobbes) was that he had a profound faith in civil society as the sphere of society in which individuals could largely govern themselves. Thus – unlike earlier thinkers who had associated the state and political communities, such as civil society, as one large, interlinked body – Paine separated out the state and civil society. The former was only to hold power in the areas which were deemed appropriate by the individuals who composed the latter. If citizens could reach suitable arrangements within their own communities, Paine believed there was little reason for state interference. It is clear, then, that he believed that humans had a large capacity for self-government, and that individually and collectively they should be able to exercise that capacity as widely as possible. However, this is not to say that Paine advocated a return to more participatory forms of democracy, as Rousseau did. Rather he recognised that government was a necessary evil, and that the scale and size of modern societies required the election of representatives to ensure good government. Ironically, despite his advocacy of the natural rights of citizens and the location of sovereignty within the body of people, Paine believed that the people were just as capable of providing bad government as were monarchs or their fellow-travellers. In this sense, representation was the best form of government,

although this does not avoid the objection that, if people are capable of bad government, then they are equally capable of electing bad representatives.

It is the nature of government and the issue of how governmental institutions derive legitimacy that provide the main bones of contention between Paine and Burke. In essence, Paine rejected hereditary monarchies because they maintained power fraudulently, and their power was fundamentally corrupt in the sense that they had originally acquired it through force. Clearly this was at odds with Burke's defence of the English system of constitutional arrangements, which saw the historical basis of the monarchy as a positive strength, and the hereditary system as a form of stability (since on the death of a monarch there would not necessarily be a power struggle). That said, in stressing the importance of history, Burke was himself in an invidious position, as he was unable to refute Paine's argument that monarchy had originally attained its pre-eminent position through unjust force and violence. For Paine the system was rotten to the core, and any 'legitimacy' it had acquired was founded upon ignorance and irrationality. The evidence for this, he claimed, rested upon extremely shaky foundations, such as superstition, which provided a dubious basis for such irrational ideas as the 'divine right of kings'. Moreover, it was clear to Paine that the monarchies in Europe were highly expensive institutions, and that the members of these monarchies lived in a lavish and wasteful fashion. He also noted their propensity to go to war with other regimes and, due to the kind of wide-ranging power that monarchs held over their subjects (which is defended by Burke), their power to force their people to undergo a long process of unnecessary warfare and carnage. Obviously this position was abhorrent to Paine. He advocated instead a new democracy, which would have for a centrepiece a constitution on which the citizen body would concur. The constitution would protect individual rights from the state and other individuals. Government would be elected on a representational basis, thereby allowing individuals to live quiet and simple lives, free from coercion and force.

Paine's work epitomises Enlightenment liberalism, in the sense that he defended the natural-rights basis of the Revolutionary era in America and France. However, the clearest connection to be made is with his conservative contemporary, Burke. Despite the differences in their ideas outlined above, there were also areas on which they concurred. Both saw the importance of past events in establishing the legitimacy (or the illegitimacy) of political institutions. Burke didn't just argue that institutions were good because of their longevity; rather, he suggested that they had stood the test of time due to their effective operation. Paine felt that a more accurate reading of the history of England, for example, saw the arbitrary construction of monarchical power and the subsequent manipulation of historical and political events to ensure the reproduction of centralised monarchical power.

Obviously, though, the differences between Paine and Burke outweigh the similarities. The latter was a reformist conservative, insofar as one of his main reasons for defending the English constitution was its capacity for gradually reforming itself. Indeed Burke openly lauded the unintelligibility of English arrangements as a strength, because rational opposition to them was difficult to

formulate. This provided an organic contract that provided the English constitution with a solidity which could not be matched by the conditions in France, where a constitution had been created on the flimsy foundation of abstract natural rights (Hampsher-Monk 1992). For Paine, though, it was only universal natural rights and their embodiment in civil rights which could form the basis of any new democracy. This, he argued, was always more desirable than arbitrary and corrupt monarchies. In clarifying his ideas, it is also instructive to compare his work, firstly, with that of Wollstonecraft on the issue of rights and, secondly, with Rousseau and with Paine's fellow American revolutionaries on the nature of representative democracy and the creation of contracts and constitutions to safeguard new democracies and the rights of their citizens.

Whilst Paine was very much a representative of the age in which he produced his work, there is still much consonance between his ideas and the debates of the contemporary era. The clearest exposition of this is to be seen in movements concerned with constitutional reform in the United Kingdom. The similarities between some of the proposals of Charter 88, for example, and Paine's concerns are manifest. Clearly Paine's political radicalism still appeals today, although, of course, the ideas themselves seem less radical now. One other area where his ideas have modern currency is in the field of welfarism. Paine's economic proposals in *Rights of Man* (Part Two) and, more specifically, *Agrarian Justice* continue to inspire those who advocate a basic or citizen's income. It is obvious that Paine's work still provides the liberal tradition with food for thought, especially regarding debates over citizenship and the nature of democracy.

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EXTRACT FROM THOMAS PAINE, *RIGHTS OF MAN*, PART TWO

Chapter II: Of the Origin of the Present Old Governments

It is impossible that such Governments as have hitherto existed in the world, would have commenced by any other means than a total violation of every principle sacred and moral. The obscurity in which the origin of all the present old Governments is buried, implies the iniquity and disgrace with which they began. The origin of the present Government of America and France will ever be remembered, because it is honourable to record it; but with respect to the rest, even flattery has consigned them to the tomb of time, without an inscription.

It could have been no difficult thing in the early and solitary ages of the world, while the chief employment of men was that of attending flocks and herds, for a banditti of ruffians to overrun a country and lay it under contributions. Their power being thus established the chief of the band contrived to lose the name of Robber in that of Monarch; and hence the origin of Monarchy and Kings.

The origin of the Government of England, so far as relates to what is called its line of Monarchy, being one of the latest, is perhaps the best recorded. The hatred which the Norman invasion and tyranny begat, must have been deeply rooted in the nation, to have outlived the contrivance to obliterate it. Though not a courtier will talk of the curfew-bell, not a village in England has forgotten it.

Those bands of robbers having parcelled out the world, and divided into dominions, began, as is naturally the case, to quarrel with each other. What at first was obtained by violence was considered by others as lawful to be taken, and a second plunderer succeeded the first. They alternately invaded the dominions which each had assigned to himself, and the brutality with which they treated each other explains the original character of monarchy. It was ruffian torturing ruffian. The conqueror considered the conquered, not as his prisoner, but his property. He led him in triumph rattling in chains, and doomed him, at pleasure, to slavery or death. As time obliterated the history of their beginning, their successors assumed new appearances, to cut off the entail of their disgrace, but their principles and objects remained the same. What at first was plunder, assumed the softer name of revenue; and the power originally usurped, they affected to inherit.

From such beginning of Governments, what could be expected but a continual system of war and extortion? It has established itself into a trade. The vice is not peculiar to one more than another, but is the common principle of all. There does not exist within such Governments sufficient stamina whereon to engraft reformation; and the shortest, easiest, and most effectual remedy is to begin anew on the ground of the oration.

What scenes of horror, what perfection of iniquity, present themselves in contemplating

the character and reviewing the history of such Governments! If we would delineate human nature with a baseness of heart and hypocrisy of countenance that reflection would shudder at and humanity disown, it is Kings, Courts, and Cabinets that must sit for the portrait. Man, naturally as he is, with all his faults about him, is not up to the character.

Can we possibly suppose that if Governments had originated in a right principle, and had not an interest in pursuing a wrong one, the world could have been in the wretched and quarrelsome condition we have seen it? What inducement has the farmer, while following the plough, to lay aside his peaceful pursuits, and go to war with the farmer of another country? or what inducement has the manufacturer? What is dominion to them, or to any class of men in a nation? Does it add an acre to any man's estate, or raise its value? Are not conquest and defeat each of the same price, and taxes the never-failing consequence? Though this reasoning may be good to a Nation, it is not so to a Government. War is the Pharo table of Governments, and Nations the dupes of the games.

If there is anything to wonder at in this miserable scene of Governments more than might be expected, it is the progress which the peaceful arts of agriculture, manufacture and commerce have made beneath such a long accumulating load of discouragement and oppression. It serves to show that instinct in animals does not act with stronger impulse than the principles of society and civilization operate in man. Under all discouragements, he pursues his object, and yields to nothing but impossibilities.

Chapter III: Of the Old and New Systems of Government

Nothing can appear more contradictory than the principles on which the old Governments began, and the condition to which society, civilization and commerce are capable of carrying mankind. Government, on the old system, is an assumption of power, for the aggrandizement of itself; on the new a delegation of power for the common benefit of society. The former supports itself by keeping up a system of war; the latter promotes a system of peace, as the true means of enriching a Nation. The one encourages national prejudices; the other promotes universal society, as the means of universal commerce. The one measures its prosperity by the quantity of revenue it extorts; the other proves its excellence by the small quantity of taxes it requires.

Mr. Burke has talked of old and new whigs. If he can amuse himself with childish names and distinctions, I shall not interrupt his pleasure. It is not to him, but to the Abbé Siéyès, that I shall address this chapter. I am already engaged to the latter gentleman to discuss the subject of monarchical Government; and as it naturally occurs in comparing the old and new systems, I make this the opportunity of presenting to him my observations. I shall occasionally take Mr. Burke in my way.

Though it might be proved that the system of Government now called the NEW is the

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most ancient in principle of all that have existed, being founded on the original inherent Rights of Man; yet, as tyranny and the sword have suspended the exercise of those rights for many centuries past, it serves better the purpose of distinction to call it the *new* than to claim the right of calling it the old. The first general distinction between those two systems is that the one now called the old is hereditary, either in whole or part; and the new is entirely representative. It rejects all hereditary Government:

First, As being an imposition on mankind.

Second, As inadequate to the purposes for which Government is necessary.

With respect to the first of these heads – It cannot be proved by what right hereditary Government could begin; neither does there exist within the compass of mortal power a right to establish it. Man has no authority over posterity in matters of personal right; and, therefore, no man or body of men had, or can have, a right to set up hereditary Government. Were even ourselves to come again into existence, instead of being succeeded by posterity, we have not now the right of taking from ourselves the rights which would then be ours. On what ground, then, do we pretend to take them from others?

All hereditary Government is in its nature tyranny. An heritable crown, or an heritable throne, or by what other fanciful name such things may be called, have no other significant explanation than that mankind are heritable property. To inherit a Government, is to inherit the people, as if they were flocks and herds.

With respect to the second head, that of being inadequate to the purposes for which Government is necessary, we have only to consider what Government essentially is, and compare it with the circumstances to which hereditary succession is subject.

Government ought to be a thing always in full maturity. It ought to be so constructed as to be superior to all the accidents to which individual man is subject; and, therefore, hereditary succession, by being *subject to them all*, is the most irregular and imperfect of all the systems of Government.

We have heard the *Rights of Man* called a *levelling* system; but the only system to which the word *levelling* is truly applicable, is the hereditary monarchical system. It is a system of *mental levelling*. It indiscriminately admits every species of character to the same authority. Vice and virtue, ignorance and wisdom, in short, every quality, good or bad, is put on the same level. Kings succeed each other, not as rationals, but as animals. It signifies not what their mental or moral characters are. Can we then be surprised at the abject state of the human mind in monarchical countries, when the Government itself is formed on such an abject levelling system? It has no fixed character. To-day it is one thing; tomorrow it is something else. It changes with the temper of every succeeding individual, and is subject to all the varieties of each. It is Government through the medium of passions and accidents. It appears under all the various characters of childhood, decrepitude, dotage; a thing at nurse, in leading-strings, or in crutches. It reverses the wholesome order of nature. It occasionally puts children over men,

and the conceits of nonage over wisdom and experience. In short, we cannot conceive a more ridiculous figure of Government, than hereditary succession, in all its cases, presents.

Could it be made a decree in nature, or an edict registered in heaven, and man could know it, that virtue and wisdom should invariably appertain to hereditary succession, the objections to it would be removed; but when we see that nature acts as if she disowned and sported with the hereditary system; that the mental characters of successors, in all countries, are below the average of human understanding; that one is a tyrant, another an idiot, a third insane, and some all three together, it is impossible to attach confidence to it, when reason in man has power to act.

It is not to the Abbé Siéyès that I need apply this reasoning; he has already saved me that trouble by giving his own opinion upon the case. 'If it be asked,' says he, 'what is my opinion with respect to hereditary right, I answer, without hesitation, that, in good theory, an hereditary transmission of any power or office, can never accord with the laws of a true representation. Hereditaryship is, in this sense, as much an attain upon principle, as an outrage upon society. But let us,' continues he, 'refer to the history of all elective monarchies and principalities: is there one in which the elective mode is not worse than the hereditary succession?'

As to debating on which is the worse of the two, it is admitting both to be bad: and herein we are agreed. The preference which the Abbé has given is a condemnation of the thing that he prefers. Such a mode of reasoning on such a subject is inadmissible, because it finally amounts to an accusation upon Providence, as if she had left to man no other choice with respect to Government than between two evils, the best of which he admits to be 'an attain upon principle, and an outrage upon society.'

Passing over for the present all the evils and mischiefs which monarchy has occasioned in the world, nothing can more effectually prove its uselessness in a state of *civil government*, than making it hereditary. Would we make any office hereditary that required wisdom and abilities to fill it? and where wisdom and abilities are not necessary, such an office, whatever it may be, is superfluous or insignificant.

Hereditary succession is a burlesque upon monarchy. It puts it in the most ridiculous light, by presenting it as an office which any child or idiot may fill. It requires some talents to be a common mechanic; but to be a King requires only the animal figure of man – a sort of breathing automaton. This sort of superstition may last a few years more, but it cannot long resist the awakened reason and interest of man.

As to Mr. Burke, he is a stickler for monarchy, not altogether as a pensioner, if he is one, which I believe, but as a political man. He has taken up a contemptible opinion of mankind, who, in their turn, are taking up the same of him. He considers them as a herd of beings that must be governed by fraud, effigy, and show; and an idol would be as good a figure of monarchy with him as a man. I will, however, do him the justice to say that, with respect to America, he has been very complimentary. He always contended, at least in my hearing, that

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the people of America were more enlightened than those of England, or of any country in Europe; and that therefore the imposition of show was not necessary in their Governments.

Though the comparison between hereditary and elective monarchy, which the Abbé has made, is unnecessary to the case, because the representative system rejects both; yet, were I to make the comparison, I should decide contrary to what he has done.

The civil wars which have originated from contested hereditary claims are more numerous, and have been more dreadful, and of longer continuance, than those which have been occasioned by election. All the civil wars in France arose from the hereditary system; they were either produced by hereditary claims, or by the imperfection of the hereditary form, which admits of regencies, or monarchy at nurse. With respect to England, its history is full of the same misfortunes. The contests for succession between the houses of York and Lancaster, lasted a whole century; and others of a similar nature have renewed themselves since that period. Those of 1715 and 1745 were of the same kind. The succession war for the crown of Spain embroiled almost half Europe. The disturbances in Holland are generated from the hereditaryship of the Stadtholder. A Government calling itself free, with an hereditary office, is like a thorn in the flesh, that produces a fermentation which endeavours to discharge it.

But I might go further, and place also foreign wars, of whatever kind, to the same cause. It is by adding the evil of hereditary succession to that of monarchy, that a permanent family interest is created, whose constant objects are dominion and revenue. Poland, though an elective monarchy, has had fewer wars than those which are hereditary; and it is the only Government that has made a voluntary essay, though but a small one, to reform the condition of the country.

Having thus glanced at a few of the defects of the old, or hereditary systems of Government, let us compare it with the new, or representative system.

The representative system takes society and civilisation for its basis; nature, reason and experience for its guide.

Experience, in all ages and in all countries, has demonstrated that it is impossible to control nature in her distribution of mental powers. She gives them as she pleases. Whatever is the rule by which she, apparently to us, scatters them among mankind, that rule remains a secret to man. It would be as ridiculous to attempt to fix the hereditaryship of human beauty as of wisdom. Whatever wisdom constitutently is, it is like a seedless plant; it may be reared when it appears, but it cannot be voluntarily produced. There is always a sufficiency somewhere in the general mass of society for all purposes; but with respect to the parts of society, it is continually changing its place. It rises in one to-day, in another to-morrow, and has most probably visited in rotation every family of the earth, and again withdrawn.

As this is in the order of nature, the order of Government must necessarily follow it, or Government will, as we see it does, degenerate into ignorance. The hereditary

system, therefore, is as repugnant to human wisdom as to human rights; and is absurd as it is unjust.

As the republic of letters brings forward the best literary productions, by giving to genius a fair and universal chance; so the representative system of Government is calculated to produce the wisest laws, by collecting wisdom from where it can be found. I smile to myself when I contemplate the ridiculous insignificance into which literature and all the sciences would sink, were they made hereditary; and I carry the same idea into Governments. An hereditary governor is as inconsistent as an hereditary author. I know not whether Homer or Euclid had sons; but I will venture an opinion that if they had, and had left their works unfinished, those sons could not have completed them.

Do we need a stronger evidence of the absurdity of hereditary Government than is seen in the descendants of those men, in any line of life, who once were famous? Is there scarcely an instance in which there is not a total reverse of character? It appears as if the tide of mental faculties flowed as far as it could in certain channels, and then forsook its course and arose in others. How irrational then is the hereditary system, which establishes channels of power, in company with which wisdom refuses to flow! By continuing this absurdity, man is perpetually in contradiction with himself; he accepts, for a King, or a chief magistrate, or a legislator, a person whom he would not elect for a constable.

It appears to general observation that Revolutions create genius and talents; but those events do no more than bring them forward. There is existing in man a mass sense lying in a dormant state, and which, unless something excites to action, will descend with him, in that condition, to the grave. As it is to the advantage of society that the whole of the faculties should be employed, the construction of Government ought to be such as to bring forward by a quiet and regular operation, all that extent of capacity which never fails to appear in Revolutions.

This cannot take place in the insipid state of hereditary Government, not only because it prevents, because it operates to benumb. When the mind of a Nation is bowed down by any political superstition in its Government, such as hereditary succession is, it loses a considerable portion of its powers on all other subjects and objects. Hereditary succession requires the same obedience to ignorance as to wisdom; and when once the mind can bring itself to pay this indiscriminate reverence, it descends below the stature of mental manhood. It is fit to be great only in little things. It acts a treachery upon itself, and suffocates the sensations that urge to detection.

Though the ancient Governments present to us a miserable picture of the condition of man, there is one which above all others exempts itself from the general description. I mean the democracy of Athenians. We see more to admire, and less to condemn, in that great, extraordinary people than in anything which history affords.

Mr. Burke is so little acquainted with constituent principles of Government, that he confounds democracy and representation together. Representation was a thing unknown in the ancient democracies. In those the mass of people met and enacted laws (grammatically

speaking) in the first person. Simple democracy was no other than the common hall of the ancients. It signifies the *form* as well as the public principle of the Government. As those democracies increased in population, and the territory extended, the simple democratical form became unwieldy and impracticable; and as the system of representation was not known, the consequence was, they either degenerated convulsively into monarchies or became absorbed into such as then existed. Had the system of representation been then understood, as it now is, there is no reason to believe that those forms of Government now called monarchical or aristocratical would ever have taken place. It was the want of some method to consolidate the parts of society after it became too populous and too expensive for the simple democratical form, and also the lax and solitary condition of shepherds and herdsmen in other parts of the world, that afforded opportunities to those unnatural modes of Government to begin.

As it is necessary to clear away the rubbish of errors into which the subject of Government has been thrown, I shall proceed to remark on some others.

It has always been the political craft of courtiers and court-governments to abuse something which they called republicanism; but what republicanism was or is they never attempt to explain. Let us examine a little into this case.

The only forms of Government are the democratical, the aristocratical, the monarchical, and what is now called the representative.

What is called a *Republic* is not any *particular form* of Government. It is wholly characteristic of the purport, matter or object for which Government ought to be instituted, and on which it is to be employed: RES-PUBLICA, the public affairs, or the public good; or, literally translated, the public thing. It is a word of a good original, referring to what ought to be the character and business of Government; and in this sense it is naturally opposed to the word *monarchy*, which has a base original signification. It means arbitrary power in an individual person; in the exercise of which, *himself*, and not the *res-publica*, is the object.

Every Government that does not act on the principle of a *Republic*, or, in other words, that does make the *res-publica* its whole and sole object, is not a good Government. Republican Government is no other than Government established and conducted for the interest of the public, as well individually as collectively. It is not necessarily connected with any particular form, but it most naturally associates with the representative form, as being best calculated to secure the end for which a Nation is at the expense of supporting it.

Various forms of Government have affected to style themselves a Republic. Poland calls itself a Republic which is an hereditary aristocracy, with what is called an elective Monarchy. Holland calls itself a Republic which is chiefly aristocratical, with an hereditary stadtholdership. But the Government of America, which is wholly on the system of representation, is the only real Republic, in character and in practice, that now exists. Its Government has no other object than the public business of the Nation, and therefore it is properly a Republic; and the Americans have taken care that THIS, and no other, shall always be the object of their

Government, by their rejecting everything hereditary, and establishing Government on the system of representation only.

Those who have said that a Republic is not a *form* of Government calculated for countries of great extent, mistook, in the first place, the *business* of a Government, for a *form* of Government; for the *res-publica* equally appertains to every extent of territory and population. And, in the second place, if they meant anything with respect to *form*, it was the simple democratical form, such as was the mode of Government in the ancient democracies, in which there was no representation. The case, therefore, is not that a Republic cannot be extensive, but that it cannot be extensive on the simple democratical form; and the question naturally presents itself, *what is the best form of Government for conducting the RES-PUBLICA, or the PUBLIC BUSINESS of a nation, after it becomes too extensive and populous for the simple democratical form?*

It cannot be Monarchy, because Monarchy is subject to an objection of the same amount to which the simple democratical form was subject.

It is possible that an individual may lay down a system of principles, on which Government shall be constitutionally established to any extent of territory. This is no more than an operation of the mind, acting by its own powers. But the practice upon those principles, as applying to the various and numerous circumstances of a Nation, its agriculture, manufacture, trade, commerce, etc., etc., requires a knowledge of a different kind, and which can be had only from the various parts of society. It is an assemblage of practical knowledge, which no one individual can possess; and therefore the monarchical form is as much limited, in useful practice, from the incompetency of knowledge, as was the democratical form from the multiplicity of population. The one degenerates, by extension, into confusion; the other into ignorance and incapacity, of which all the great monarchies are an evidence. The monarchical form, therefore, could not be a substitute for the democratical, because it has equal inconveniences.

Much less could it when made hereditary. This is the most effectual of all forms to preclude knowledge. Neither could the high democratical mind have voluntarily yielded itself to be governed by children and idiots, and all the motley insignificance of character which attends such a mere animal system, the disgrace and the reproach of reason and of man.

As to the aristocratical form, it has the same vices and defects with the monarchical, except that the chance of abilities is better from the proportion of numbers, but there is still no security for the right use and application of them.

Referring then to the original simple Democracy, it affords the true data from which Government on a large scale can begin. It is incapable of extension, not from its principle, but from the inconvenience of its form; and Monarchy and Aristocracy, from their incapacity. Retaining, then, Democracy as the ground, and rejecting the corrupt systems of Monarchy and Aristocracy, the representative system naturally presents itself; remedying at once the defects of the simple Democracy as to form, and the incapacity of the other two with respect to knowledge.

Simple Democracy was society governing itself without the aid of secondary means. By

ingrafting representation upon Democracy, we arrive at a system of Government capable of embracing and confederating all the various interests and every extent of territory and population; and that also with advantages as much superior to hereditary Government, as the Republic of Letters is to hereditary literature.

It is on this system that the American Government is founded. It is representation ingrafted upon Democracy. It has fixed the form by a scale parallel in all cases to the extent of the principle. What Athens was in miniature, America will be in magnitude. The one was the wonder of the ancient world; the other is becoming the admiration, the model of the present. It is the easiest of all the forms of Government to be understood and the most eligible in practice, and excludes at once the ignorance and insecurity of the hereditary mode, and the inconvenience of the simple Democracy.

It is impossible to conceive a system of Government capable of acting over such an extent of territory, and such a circle of interests, as is immediately produced by the operation of representation. France, great and populous as it is, is but a spot in the capaciousness of the system. It is preferable to simple Democracy even in small territories. Athens, by representation, would have outrivalled her own Democracy.

That which is called Government, or rather that which we ought to conceive Government to be, is no more than some common centre, in which all the parts of society unite. This cannot be accomplished by any method so conducive to the various interests of the community as by the representative system. It concentrates the knowledge necessary to the interest of the parts, and of the whole. It places Government in a state of constant maturity. It is, as has already been observed, never young, never old. It is subject neither to nonage nor dotage. It is never in the cradle nor on crutches. It admits not of a separation between knowledge and power, and is superior, as Government always ought to be, to all the accidents of individual man, and is therefore superior to what is called Monarchy.

A Nation is not a body, the figure of which is to be represented by the human body, but is like a body contained within a circle, having a common centre in which every radius meets; and that centre is formed by representation. To connect representation with what is called Monarchy is eccentric Government. Representation is of itself the delegated Monarchy of a Nation, and cannot debase itself by dividing it with another.

Mr. Burke has two or three times, in his parliamentary speeches, and in his publication, made use of a jingle of words that convey no ideas. Speaking of Government, he says: 'It is better to have Monarchy for its basis, and Republicanism for its corrective, than Republicanism for its basis, and Monarchy for its corrective.' If he means that it is better to correct folly with wisdom than wisdom with folly, I will not otherwise contend with him, than that it would be much better to reject the folly entirely.

But what is this thing which Mr. Burke calls Monarchy? Will he explain it? All men can understand what representation is; and that it must necessarily include a variety of knowledge

and talents. But what security is there for the same qualities on the part of Monarchy? or, when this Monarchy is a child, where then is the wisdom? What does it know about Government? Who then is the Monarch, or where is the Monarchy? If it is to be performed by Regency, it proves to be a farce. A Regency is a mock species of Republic, and the whole of Monarchy deserves no better description. It is a thing as various as imagination can paint. It has none of the stable character that Government ought to possess. Every succession is a Revolution, and every regency a counter-revolution. The whole of it is a scene of perpetual court cabal and intrigue, of which Mr. Burke is himself an instance. To render Monarchy consistent with Government, the next in succession should not be born a child, but a man at once, and that man a Solomon. It is ridiculous that Nations are to wait and Government be interrupted till boys grow to be men.

Whether I have too little sense to see, or too much to be imposed upon; whether I have too much or too little pride, or of anything else, I leave out of the question; but certain it is, that what is called Monarchy always appears to me a silly contemptible thing. I compare it to something kept behind a curtain, about which there is a great deal of bustle and fuss, and a wonderful air of seeming solemnity; but when, by an accident, the curtain happens to be opened, and the company see what it is, they burst into laughter.

In the representative system of Government, nothing of this can happen. Like the nation itself, it possesses a perpetual stamina, as well of body as of mind, and presents itself on the open theatre of the world in a fair and manly manner. Whatever are its excellencies or defects, they are visible to all. It exists not by fraud and mystery; it deals not in cant and sophistry; but inspires a language that, passing from heart to heart, is felt and understood.

We must shut our eyes against reason, we must basely degrade our understanding, not to see the folly of what is called Monarchy. Nature is orderly in all her works; but this is a mode of Government that counteracts nature. It turns the progress of the human faculties upside down. It subjects age to be governed by children, and wisdom by folly.

On the contrary, the representative system is always parallel with the order and immutable laws of nature, and meets the reason of man in every part. For example: —

In the American federal Government, more power is delegated to the President of the United States than to any other individual member of Congress. He cannot, therefore, be elected to this office under the age of thirty-five years. By this time the judgment of man becomes matured, and he has lived long enough to be acquainted with man and things, and the country with him. But on the monarchical plan (exclusive of the numerous chances there are against every man born into the world, of drawing a prize in the lottery of human faculties), the next in succession, whatever he may be, is put at the head of a Nation, and of a Government, at the age of eighteen years. Does this appear like an act of wisdom? Is it consistent with the proper dignity and manly character of a Nation? Where is the propriety of calling such a lad the father of the people? In all other cases, a person is a minor until the age of twenty-one

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years. Before this period, he is not entrusted with the management of an acre of land, or with the heritable property of a flock of sheep or an herd of swine; but wonderful to tell! he may at the age of eighteen years be trusted with a Nation.

That monarchy is all a bubble, a mere court artifice to procure money, is evident (at least to me) in every character in which it can be viewed. It would be impossible, on the rational system of representative Government, to make out a bill of expenses to such an enormous amount as this description admits. Government is not of itself a very chargeable institution. The whole expense of the federal Government of America, founded, as I have already said, on the system of representation, and extending over a country nearly ten times as large as England, is but six hundred thousand dollars, or one hundred and thirty-five thousand pounds sterling.

I presume that no man in his sober sense will compare the characters of the Kings of Europe with that of General Washington. Yet in France, and also in England, the expense of the civil list only, for the support of one man, is eight times greater than the whole expense of the federal Government in America. To assign a reason for this appears almost impossible. The generality of the people of America, especially the poor, are more able to pay taxes than the generality of the people either in France or England.

But the case is, that the representative system diffuses such a body of knowledge throughout a Nation, on the subject of Government, as to explode ignorance and preclude imposition. The craft of courts cannot be acted on that ground. There is no place for mystery; nowhere for it to begin. Those who are not in the representation know as much of the nature of business as those who are. An affectation of mysterious importance would there be scouted. Nations can have no secrets; and the secrets of courts, like those of individuals, are always their defects.

In the representative system, the reason for everything must publicly appear. Every man is a proprietor in Government, and considers it a necessary part of his business to understand. It concerns his interest, because it affects his property. He examines the cost, and compares it with the advantages; and above all, he does not adopt the slavish custom of following what in other Governments are called LEADERS.

It can only be by blinding the understanding of man, and making him believe that Government is some wonderful mysterious thing, that excessive revenues are obtained. Monarchy is well calculated to ensure this end. It is the popery of Government, a thing kept to amuse the ignorant and quiet them into taxes.

The Government of a free country, properly speaking, is not in the persons, but in the laws. The enacting of those requires no great expense; and when they are administered the whole of civil government is performed – the rest is all court contrivance.

12 Mary Wollstonecraft (1759–97)

Mary Wollstonecraft was born in 1759 in London, and, despite her own limited educational achievement, she set up schools in Islington and Newington Green. These enterprises were not particularly successful, but she had found a place in the intellectual community, and it was to be as a writer that she attained her notoriety. As her life progressed she retained a strong interest in educational issues but increasingly focused on her literary work.

Wollstonecraft's writings influenced the development of 'liberal feminism', as she provided her own slant on the debates over natural rights which characterised the Enlightenment era. This became evident in her political writing, works of literature and editorial and translation work in the 1780s – a period in which she also worked as a governess. However, she experienced broader recognition in 1790, when her *A Vindication of the Rights of Men* was published as a reply to Burke's *Reflection on the Revolution in France*. Her book was originally published anonymously, but such was its popularity that a second edition was soon published under Wollstonecraft's name. As her profile developed she began to write her most famous work, *A Vindication of the Rights of Woman*, published in 1792, in which she provided a lengthy critique of Rousseau's educational tract *Emile*. Having defended the French Revolution of 1789, Wollstonecraft moved to France in 1792, whereupon she witnessed with some dismay the events of the Terror. She also had her first child there (from her somewhat unhappy liaison with Gilbert Imlay) and in 1794 she published *An Historical and Moral View of the Origin and Progress of the French Revolution*. In the last few years of her life she spent time in Scandinavia and twice attempted suicide before finding some happiness with the anarchist thinker William Godwin in London. They married in 1797, but Wollstonecraft died later in the same year of an illness related to the birth to her second daughter. In her time much of her notoriety was based upon her way of life and the way she flouted traditional orthodoxies concerning the position of women. However, as time passed after her death, Wollstonecraft's reputation as a political thinker became more recognised, and her position as one of the key architects of feminism was established.

Like those of others of this turbulent historical period, Wollstonecraft's ideas were closely related to the revolutionary era at the end of the eighteenth century. Like many of her contemporaries she recoiled against the widely read

conservatism expressed by Burke in *Reflections on the Revolution in France*, and her initial renown derived from her defence of the revolutionaries in France. Moreover, like Thomas Paine, she actually contributed to the politics of France in the post-Revolutionary phase, so it was not only in the field of theoretical politics that Wollstonecraft exerted her influence. This demonstrates the extent of her ability in an era when the presence and power of women in public life were still negligible. Her literary style also bears the hallmark of Enlightenment liberalism, with her advocacy of women's capacity for rationality always at the fore. The intellectual climate of rights-based liberalism evidently influenced Wollstonecraft's thought as she sought to ascribe to women the same rights of citizenship and need for representation that men were thought to have attained after the French Revolution. These ideas are the key ones that explain Wollstonecraft's prominent place in the history of western political thought. *A Vindication of the Rights of Men*, written before Paine's *Rights of Man*, did not have the same rhetorical power as the latter, but, in ascribing rights to women in *A Vindication of the Rights of Woman*, Wollstonecraft provided a fresh and powerful voice in the debates of Enlightenment liberalism.

She produced a broad range of work either side of the two *Vindications*, even though these are her most important political publications. Her writing included literary works, such as *Mary, A Fiction* (1788), and moral tracts on education, such as *Thoughts on the Education of Daughters: With Reflections on Female Conduct in the More Important Duties of Life* (1787). The latter was a short collection of pieces that illustrates 'Wollstonecraft's conception of morality and the best manner to inculcate it in individuals at the earliest possible age' (Tomaselli 1995: xiii) and demonstrated clear resonance of the work of Locke a century earlier. From 1788 she also contributed to the *Analytical Review* and translated works from French, German and Dutch into English. In this period she also produced a collection entitled *Original Stories from Real Life* (1788) and an eclectic anthology published under a pseudonym as *The Female Reader* (1789). All of these fed into the development of Wollstonecraft's more political writings, which would culminate in the two *Vindications* of 1790 and 1792.

In her own time *A Vindication of the Rights of Men* was arguably more notorious than her later work. Hirsch suggests that it tied her name unambiguously to the French Revolutionaries and therefore marked Wollstonecraft out as a 'Revolutionary Feminist' (Hirsch 1996: 44). One of her key lines of argument in this work specifically takes Burke to task for his defence of Marie Antoinette and the pariah status which he attached to the female revolutionaries, who he believed to have acted in a most unnatural way for women. For Wollstonecraft this amounted to an unacceptable vision of women as weak, passive and limited in ability – and indeed to a limitation of rational capacity to men only. Nevertheless, the book was written in haste, so much so that it has been described as a 'ragbag' characterised by sketchy argument (Tomalin 1974: 95). What it did contain, though, was alacrity – a fervent concern for the disenfranchised and disadvantaged in society. Ironically, though, Wollstonecraft's central objection to Burke's work was that it was built upon subjective 'truths' and his own prejudices, rather than on reasoned argument.

This charge is one that has often been laid at her own door, along with criticisms that note similarities in flowery rhetorical style between Wollstonecraft and Burke (Poovey 1984: 59, 67). That said, it is fair to say that *A Vindication of the Rights of Men* is best noted for the impact it provided, rather than the strengths of its arguments.

Shortly, however, a more sophisticated version of Wollstonecraft's developing perspective emerged with the publication of *A Vindication of the Rights of Woman*. The main target in her sights here was Rousseau (although other authors on educational issues were also lambasted), who in *Emile* had provided an argument for the differing educational needs of boys and girls. Not surprisingly, Wollstonecraft rejected this position, based as it was on the need for males (or the eponymous Emile) to be educated to exercise their rational capacity, which was not part of the female psyche (embodied by the character Sophie in Rousseau's book). *A Vindication of the Rights of Woman* is the book in which the early liberal feminist position in Wollstonecraft's work can be identified, and it will be examined in more detail below. Suffice to say at this stage, however, that her sympathy for the women around her was not particularly tangible, and it is for this reason that, despite her undoubted place in the feminist pantheon, she continues to arouse dispute amongst others in that tradition. Thus Tomaselli argues that:

Wollstonecraft did not shy away from using the prejudices of her time for the very simple reason that she shared them. Few writers of her day were as critical of women as she was. She did not like women as they were ... What she wanted above all else was nothing short of a transformation of women into their opposite. She wanted women to become rational and independent beings, whose sense of worthiness came not from the looking-glass but from their inner perception of their self-control.

(Tomaselli 1995: xxvii)

It is clear from the above that locating Wollstonecraft politically is not the simple task of identifying her as a proto-feminist. Rather, her beliefs about the position of women are tightly interwoven with her liberal ideas and her defence of universal citizenship. Indeed her last two works of note embody this complex relationship. In 1794 she published *An Historic and Moral View of the Origin and Progress of the French Revolution; And the Effect It Has Produced in Europe*, and in 1796 her *Letters Written During a Short Residence in Sweden, Norway and Denmark* appeared, the last of her writings to be published while she was alive. The former reviewed the events since 1789, and, despite her criticisms of the Terror, she would not repudiate her defence of the organising principles of the Revolution (Hirsch 1996: 50). Following her death William Godwin published *Posthumous Works of the Author of a Vindication of the Rights of Woman*, although the timing of its publication, in the counter-revolutionary era, was unfortunate (Hirsch 1996: 51). It did continue the interest in her work but, according to Tomaselli, this was because 'Wollstonecraft's views became identified with a [flouting] of social conventions, principally in relation to marriage' (Tomaselli 1995: xxix).

The second *Vindication* was written in nearly as much haste as the first, and it was an equally vibrant critical analysis. It was published in January 1792, and so much had Wollstonecraft's star risen amongst her revolutionary contemporaries that it achieved instant attention. The book built upon her previous idea that women were just as capable as men of thinking and acting rationally and, therefore, that this principle should extend to the way that rights were conceptualised. Essentially, she argued that if the possession of reason was not dependent on gender, then there was no basis for discriminating against women when it came to the distribution of rights. From this foundation Wollstonecraft launched her attack on the education system, which she believed to inculcate 'weakness, immorality, triviality and dependence' (O'Hagan 1996: 132). This clearly reflects her impatience with the activities of the women she saw around her, although the *Vindication of the Rights of Woman* demonstrated more concern for the plight of individuals than had her earlier writings. Thus 'it was not only that women were ill prepared for their duties as social beings: false expectations of life condemned them to an empty, and in all probability, embittered existence' (Tomaselli 1995: xxv).

Arguably, Wollstonecraft advocated a revolution in the education system in order to permit women to behave more like the 'rational' men with whom she spent much of her time. Thus, women had to be educated to demonstrate that they, too, could exercise reason on an equal basis with men. Men *per se* were not the critical focus of Wollstonecraft's book – rather it was the ways in which the dominant position of men was translated into the social institutions which subsequently reinforced and reproduced that domination. Ironically, like the main target of her ire (Rousseau), Wollstonecraft's argument was that the condition of women in her era was not representative of women in a natural state. On the contrary, women in civil society were a reflection of the socialising instruments through which modern order was created. This was neither natural nor an acceptable basis for a future liberal society. However, a return to the natural state was neither desirable nor feasible, so the education system had to be reformed to enable women to exercise their powers of reason. Rousseau, on the other hand, had argued that the role of women in the natural state was primarily maternal, and it was the job of modern society to translate that natural disposition into civil society. Thus, in the modern world, women had to be educated to fulfil their moral obligation of exercising maternal skills appropriately.

Wollstonecraft rejected Rousseau's claim in *Emile* that women were naturally dependent on men. On the contrary, she argued that the characteristics of weakness and passivity in women were generated by social institutions, such as education, in order to maintain the hegemony of men in the public sphere. Where Rousseau had believed that women ultimately had power in the sexual relationship with men, due to their insight into the dynamics of relationships, Wollstonecraft argued that it was ludicrous that women had to achieve power by manipulating men through the use of their limited authority over them in sexual relations. This was 'power wielded through the degraded passion of licentiousness, not through reason' (O'Hagan 1996: 133). Undoubtedly, Wollstonecraft was successful in demonstrating how Rousseau's own argument had slipped between his *Discourse*

on the *Origins of Inequality* and *Emile*. In the former he had recognised that there were natural inequalities between women and men – in terms of strength, etc. – which did not justify political inequalities, but in the latter he appears to suggest that the educational establishment should translate these natural inequalities into the social condition of men and women. In other words, differences in the state of nature were to be politicised and socialised. He was rightly upbraided by Wollstonecraft for shifting his position on this issue. That said, it is equally obvious that she saw the primary role of her female citizen as a mother – an idea which some commentators have viewed as somewhat contradictory (Mills 1996: 137).

In addition to the philosophical prescriptions issued by Wollstonecraft, *A Vindication of the Rights of Woman* also contains a range of practical proposals related to the reform of the educational establishment and the consequent possibility of women achieving social positions hitherto filled by men. Moreover, education could be used to help women make more sense of sexuality and marriage and to throw off the shackles that had been attached to these areas by the likes of Rousseau. Clearly she saw herself as a philosopher who was establishing a model for the good polity based on the equal experience of rights and duties. Whether she can be seen as a systematic philosopher is very much open to question, but it is certain that, by outlining the subjection of women, in the second *Vindication* she added a new dimension to the debate over the nature of the good society.

The most obvious connections are with Burke, Rousseau and, to a lesser extent, Paine. Her rejection of Burke's conservatism was part of the process of clarifying the split between conservatism and liberalism which characterised this historical era. Her perspective shared much with Rousseau's advocacy of equality as a central factor in the genuine achievement of human liberty. Whilst Wollstonecraft reserved vehement criticism for Rousseau's views on gender and education, it is clear that there was agreement about many of the shortcomings of the *ancien régime*. It is this position which brings out the obvious political comparisons with Paine. Both were active in republican politics in France, and both published popular and widely read critical analyses of Burke (although Paine's evaluation was much more systematic). Clearly Wollstonecraft and Paine experienced the post-Revolutionary events in France in the 1790s with a certain unease as the implications of the Terror became clear.

However, arguably Wollstonecraft's most important legacy is not her liberal advocacy of rights *per se* but rather her projection of gender equality and the effect of this notion upon educational systems. In this there is some resonance with the work of Locke, in *Some Thoughts Concerning Education*, a century earlier. The development of the liberal notion of rights applied to women and advocacy of gender equality would later provide some inspiration for Harriet Taylor and John Stuart Mill, especially in the latter's *The Subjection of Women* (1869). Whilst Wollstonecraft is not the most systematic thinker covered in this book, her ideas have clearly been influential on both her liberal contemporaries and other later liberals and feminists.

Wollstonecraft's impact upon feminism is undoubtedly enormous, although her legacy remains the subject of much debate within the feminist tradition. In the course of the twentieth century her ideas have been overtaken by more radical strands of feminist thought that reject her rights-based liberalism. The focus has moved to, for example, Marxist arguments concerning work and exploitation, the division between the private and public spheres, and dual systems of repression and exploitation. Some feminists have focused explicitly on issues of sexuality which, not surprisingly given the historical circumstances, make Wollstonecraft's views on sexuality appear rather tame and old-fashioned. Furthermore, the centrality of the politics of difference in contemporary feminism has promoted 'female' values as superior to those of men, and, again, this can be viewed as opposed to Wollstonecraft's focus on enabling women to act or think like men.

However it is also the case that liberal feminists continue to rail against inequalities in the experience of rights of citizenship, and in this sense Wollstonecraft's brand of liberal feminism will retain potency until women have acquired the same rights in civil society as men. Whilst systems of education, and indeed educational theory, have moved on substantially since her era, there is no doubt that the call for equality in education that Wollstonecraft put forward remains influential today.

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EXTRACT FROM MARY WOLLSTONECRAFT, *A VINDICATION OF THE RIGHTS OF WOMAN*

Chapter II: The prevailing opinion of a sexual character discussed

To account for, and excuse the tyranny of man, many ingenious arguments have been brought forward to prove, that the two sexes, in the acquirement of virtue, ought to aim at attaining a very different character; or, to speak explicitly, women are not allowed to have sufficient strength of mind to acquire what really deserves the name of virtue. Yet it would seem, allowing them to have souls, that there is but one way appointed by Providence to lead *mankind* to either virtue or happiness.

If then women are not a swarm of ephemeron triflers, why should they be kept in ignorance under the specious name of innocence? Men complain, and with reason, of the follies and caprices of our sex, when they do not keenly satirize our headstrong passions and grovelling vices. Behold, I should answer, the natural effect of ignorance! The mind will ever be unstable that has only prejudices to rest on, and the current will run with destructive fury when there are no barriers to break its force. Women are told from their infancy, and taught by the example of their mothers, that a little knowledge of human weakness, justly termed cunning, softness of temper, *outward* obedience, and a scrupulous attention to a puerile kind of propriety, will obtain for them the protection of man; and should they be beautiful, everything else is needless, for, at least, twenty years of their lives.

Thus Milton describes our first frail mother; though when he tells us that women are formed for softness and sweet attractive grace, I cannot comprehend his meaning, unless, in the true Mahometan strain, he meant to deprive us of souls, and insinuate that we were beings

only designed by sweet attractive grace, and docile blind obedience, to gratify the senses of man when he can no longer soar on the wing of contemplation.

How grossly do they insult us who thus advise us only to render ourselves, gentle, domestic brutes! For instance, the winning softness so warmly, and frequently, recommended, that governs by obeying. What childish expressions, and how significant is the being – can it be an immortal one? who will condescend to govern by such sinister methods? ‘Certainly,’ says Lord Bacon, ‘man is of kin to the beasts by his body; and if he be not of kin to God by his spirit, he is a base and ignoble creature!’ Men, indeed, appear to me to act in a very unphilosophical manner when they try to secure the good conduct of women by attempting to keep them always in a state of childhood. Rousseau was more consistent when he wished to stop the progress of reason in both sexes, for if men eat of the tree of knowledge, women will come in for a taste; but, from the imperfect cultivation which their understandings now receive, they only attain a knowledge of evil. [...]

Consequently, the most perfect education, in my opinion, is such an exercise of the understanding as is best calculated to strengthen the body and form the heart. Or, in other words, to enable the individual to attain such habits of virtue as will render it independent. In fact, it is a farce to call any being virtuous whose virtues do not result from the exercise of its own reason. This was Rousseau’s opinion respecting men: I extend it to women, and confidently assert that they have been drawn out of their sphere by false refinement, and not by an endeavour to acquire masculine qualities. Still the regal homage which they receive is so intoxicating, that till the manners of the time are changed, and formed on more reasonable principles, it may be impossible to convince them that the illegitimate power, which they obtain, by degrading themselves, is a curse, and that they must return to nature and equality, if they wish to secure the placid satisfaction that unsophisticated affections impart. But for this epoch we must wait – wait, perhaps, till kings and nobles, enlightened by reason, and, preferring the real dignity of man to childish state, throw off their gaudy hereditary trappings: and if then women do not resign the arbitrary power of beauty – they will prove that they have *less* mind than man. [...]

Women are, therefore, to be considered either as moral beings, or so weak that they must be entirely subjected to the superior faculties of men.

Let us examine this question. Rousseau declares that a woman should never, for a moment, feel herself independent, that she should be governed by fear to exercise her *natural* cunning, and made a coquettish slave in order to render her a more alluring object of desire, a *sweeter* companion to man, whenever he chooses to relax himself. He carries the arguments, which he pretends to draw from the indications of nature, still further, and insinuates that truth and fortitude, the corner stones of all human virtue, should be cultivated with certain restrictions, because, with respect to the female character, obedience is the grand lesson which ought to be impressed with unrelenting rigour.

What nonsense! when will a great man arise with sufficient strength of mind to puff away the fumes which pride and sensuality have thus spread over the subject! If women are

by nature inferior to men, their virtues must be the same in quality, if not in degree, or virtue is a relative idea; consequently, their conduct should be founded on the same principles, and have the same aim.

Connected with man as daughters, wives, and mothers, their moral character may be estimated by their manner of fulfilling those simple duties; but by the end, the grand end of their exertions should be to unfold their own faculties and acquire the dignity of conscious virtue. They may try to render their road pleasant; but ought never to forget, in common with man, that life yields not the felicity which can satisfy an immortal soul. I do not mean to insinuate that either sex should be so lost in abstract reflections or distant views, as to forget the affections and duties that lie before them, and are, in truth, the means appointed to produce the fruit of life: on the contrary, I would warmly recommend them, even while I assert, that they afford most satisfaction when they are considered in their true, sober light.

Probably the prevailing opinion, that woman was created for man, may have taken its rise from Moses's poetical story; yet, as very few, it is presumed, who have bestowed any serious thought on the subject, ever supposed that Eve was, literally speaking, one of Adam's ribs, the deduction must be allowed to fall to the ground; or, only be so far admitted as it proves that man, from the remotest antiquity, found it convenient to exert his strength to subjugate his companion, and his invention to show that she ought to have her neck bent under the yoke, because the whole creation was only created for his convenience or pleasure.

Let it not be concluded that I wish to invert the order of things; I have already granted, that, from the constitution of their bodies, men seem to be designed by Providence to attain a greater degree of virtue. I speak collectively of the whole sex; but I see not the shadow of a reason to conclude that their virtues should differ in respect to their nature. In fact, how can they, if virtue has only one eternal standard? I must therefore, if I reason consequentially, as strenuously maintain that they have the same simple direction, as that there is a God.

It follows then that cunning should not be opposed to wisdom, little cares to great exertions, or insipid softness, varnished over with the name of gentleness, to that fortitude which grand views alone can inspire. [...]

Women ought to endeavour to purify their heart; but can they do so when their uncultivated understandings make them entirely dependent on their senses for employment and amusement, when no noble pursuit sets them above the little vanities of the day, or enables them to curb the wild emotions that agitate a reed over which every passing breeze has power? To gain the affections of a virtuous man, is affectation necessary? Nature has given woman a weaker frame than man; but, to ensure her husband's affections, must a wife, who by the exercise of her mind and body whilst she was discharging the duties of a daughter, wife, and mother, has allowed her constitution to retain its natural strength, and her nerves a healthy tone, is she, I say, to condescend to use art and feign a sickly delicacy in order to secure her husband's affection? Weakness may excite tenderness, and gratify the arrogant pride of man; but the

lordly caresses of a protector will not gratify a noble mind that pants for, and deserves to be respected. Fondness is a poor substitute for friendship!

In a seraglio, I grant, that all these arts are necessary; the epicure must have his palate tickled, or he will sink into apathy; but have women so little ambition as to be satisfied with such a condition? Can they supinely dream life away in the lap of pleasure, or the languor of weariness, rather than assert their claim to pursue reasonable pleasures and render themselves conspicuous by practising the virtues which dignify mankind? Surely she has not an immortal soul who can loiter life away merely employed to adorn her person, that she may amuse the languid hours, and soften the cares of a fellow-creature who is willing to be enlivened by her smiles and tricks, when the serious business of life is over.

Besides, the woman who strengthens her body and exercises her mind will, by managing her family and practising various virtues, become the friend, and not the humble dependant of her husband; and if she, by possessing such substantial qualities, merit his regard, she will not find it necessary to conceal her affection, nor to pretend to an unnatural coldness of constitution to excite her husband's passions. In fact, if we revert to history, we shall find that the women who have distinguished themselves have neither been the most beautiful nor the most gentle of their sex. [...]

But to view the subject in another point of view. Do passive indolent women make the best wives? Confining our discussion to the present moment of existence, let us see how such weak creatures perform their part? Do the women, who by the attainment of a few superficial accomplishments, have strengthened the prevailing prejudice, merely contribute to the happiness of their husbands? Do they display their charms merely to amuse them? And have women, who have early imbibed notions of passive obedience, sufficient character to manage a family or educate children? So far from it, that, after surveying the history of woman, I cannot help, agreeing with the severest satirist, considering the sex as the weakest as well as the most oppressed half of the species. What does history disclose but marks of inferiority, and how few women have emancipated themselves from the galling yoke of sovereign man? – So few, that the exceptions remind me of an ingenious conjecture respecting Newton: that he was probably a being of superior order, accidentally caged in a human body. Following the same train of thinking, I have been led to imagine that the few extraordinary women who have rushed in eccentric directions out of the orbit prescribed to their sex, were *male* spirits, confined by mistakes in female frames. But if it not be philosophical to think of sex when the soul is mentioned, the inferiority must depend on the organs; or the heavenly fire, which is to ferment the clay, is not given in equal portion.

But avoiding, as I have hitherto done, any direct comparisons of the two sexes collectively, or frankly acknowledging the inferiority of woman, according to the present appearance of things, I shall only insist that men have increased that inferiority till women are almost sunk below the standard of rational creatures. Let their faculties have room to unfold, and their virtues to gain strength, and then determine where the whole sex must stand in the intellectual

scale. Yet let it be remembered, that for a small number of distinguished women I do not ask a place.

It is difficult for us purblind mortals to say to what height human discoveries and improvements may arrive when the gloom of despotism subsides, which makes us stumble at every step; but, when morality shall be settled on a more solid basis, then, without being gifted with a prophetic spirit, I will venture to predict that woman will be either the slave or the friend of man. We shall not, as at present, doubt whether she is a moral agent, or the link which unites man with brutes. But, should it then appear, that like the brutes they were principally created for the use of man, he will let them patiently bite the bridle, and not mock them with empty praise; or, should their rationality be proved, he will not impede their improvement merely to gratify his sensual appetites. He will not, with all the graces of rhetoric, advise them to submit implicitly their understanding to the guidance of man. He will not, when he treats of the education of women, assert that they ought never to have the free use of reason, nor would he recommend cunning and dissimulation to beings who are acquiring, in like manner as himself, the virtues of humanity. [...]

If, I say, for I would not impress by declamation when Reason offers his sober light, if they really be capable of acting like rational creatures, let them not be treated like slaves; or, like the brutes who are dependent on the reason of man, when they associate with him; but cultivate their minds, give them the salutary, sublime curb of principle, and let them attain conscious dignity by feeling themselves only dependent on God. Teach them, in common with man, to submit to necessity, instead of giving, to render them more pleasing, a sex to morals.

Further, should experience prove that they cannot attain the same degree of strength of mind, perseverance, and fortitude, let their virtues be the same in kind, though they may vainly struggle for the same degree; and the superiority of man will be equally clear, if not clearer; and truth, as it is a simple principle, which admits of no modification, would be common to both. Nay, the order of society as it is at presently regulated, would not be inverted, for woman would then only have the rank that reason assigned her, and arts could not be practised to bring the balance even, much less to turn it.

These may be Utopian dreams. Thanks to that Being who impressed them on my soul, and gave me sufficient strength of mind to dare to exert my own reason, till, becoming dependent only on him for the support of my virtue, I view, with indignation, the mistaken notions that enslave my sex.

I love man as my fellow; but his sceptre, real, or usurped, extends not to me, unless the reason of an individual demands my homage; and even then the submission is to reason, and not to man. In fact, the conduct of an accountable being must be regulated by the operations of its own reason; or on what foundation rests the throne of God?

It appears to me necessary to dwell on these obvious truths, because females have been insulated, as it were; and, while they have been stripped of the virtues that should clothe humanity, they have been decked with artificial graces that enable them to exercise a short-lived tyranny. Love, in their bosoms, taking place of every nobler passion, their sole ambition

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is to be fair, to raise emotion instead of inspiring respect; and this ignoble desire, like the servility in absolute monarchies, destroys all strength of character. Liberty is the mother of virtue, and if women be, by their very constitution, slaves, and not allowed to breathe the sharp invigorating air of freedom, they must ever languish like exotics, and be reckoned beautiful flaws in nature.

As to the argument respecting the subjection in which the sex has ever been held, it retorts on man. The many have always been enthralled by the few; and monsters, who scarcely have shewn any discernment of human excellence, have tyrannized over thousands of their fellow-creatures. Why have men of superior endowments submitted to such degradation? For, is it not universally acknowledged that kings, viewed collectively, have ever been inferior, in abilities and virtue, to the same number of men taken from the common mass of mankind – yet, have they not, and are they not still treated with a degree of reverence that is an insult to reason? China is not the only country where a living man has been made God. *Men* have submitted to superior strength to enjoy with impunity the pleasure of the moment – *women* have only done the same, and therefore till it is proved that the courtier, who servilely resigns the birthright of a man, is not a moral agent, it cannot be demonstrated that woman is essentially inferior to man because she has always been subjugated.

Brutal force has hitherto governed the world, and that the science of politics is in its infancy, is evident from philosophers scrupling to give the knowledge most useful to man that determinate distinction.

I shall not pursue this argument any further than to establish an obvious inference, that as sound politics diffuse liberty, mankind, including woman, will become more wise and virtuous.

[...]

Chapter XIII: Some Instances of the Folly Which the Ignorance of Women Generates; with Concluding Reflections on the Moral Improvement that a Revolution in Female Manners Might Naturally be Expected to Produce

[...]

Section VI

It is not necessary to inform the sagacious reader, now I enter on my concluding reflections, that the discussion of this subject merely consists in opening a few simple principles and clearing away the rubbish which obscured them. But as all readers are not sagacious, I must be allowed to add some explanatory remarks to bring the subject home to reason – to that

sluggish reason which supinely takes opinions on trust, and obstinately supports them to spare itself the labour of thinking.

Moralists have unanimously agreed, that unless virtue be nursed by liberty, it will never attain due strength – and what they say of man I extend to mankind, insisting that in all cases morals must be fixed on immutable principles; and that the being cannot be termed rational or virtuous who obeys any authority but that of reason. To render women truly useful members of society, I argue that they should be led, by having their understandings cultivated on a large scale, to acquire a rational affection for their country, founded on knowledge, because it is obvious that we are little interested about what we do not understand. And to render this general knowledge of due importance, I have endeavoured to show that private duties are never properly fulfilled unless the understanding enlarges the heart; and that public virtue is only an aggregate of private. But the distinctions established in society undermine both, by beating out the solid gold of virtue, till it becomes only the tinsel-covering of vice; for whilst wealth renders a man more respectable than virtue, wealth will be sought before virtue; and whilst women's persons are caressed when a childish simper shows an absence of mind – the mind will lie fallow. Yet, true voluptuousness must proceed from the mind – for what can equal the sensations produced by mutual affection supported by mutual respect? What are the cold or feverish caresses of appetite, but sin embracing death, compared with the modest overflowings of a pure heart and exalted imagination? Yes, let me tell the libertine of fancy when he despises understanding in woman – that the mind, which he disregards, gives life to the enthusiastic affection from which rapture, shortlived as it is, alone can flow! [...]

That women at present are by ignorance rendered foolish or vicious is, I think, not to be disputed; and that the most salutary effects tending to improve mankind might be expected from a REVOLUTION in female manners, appears, at least with a face of probability, to rise out of the observation. For as marriage has been termed the parent of those endearing charities which draw man from the brutal herd, the corrupting intercourse that wealth, idleness, and folly produce between the sexes, is more universally injurious to morality than all the other vices of mankind collectively considered. To adulterous lust the most sacred duties are sacrificed, because before marriage, men, by a promiscuous intimacy with women, learned to consider love as a selfish gratification – learned to separate it not only from esteem, but from the affection merely built on habit, which mixes a little humanity with it. Justice and friendship are also set at defiance, and that purity of taste is vitiated which would naturally lead a man to relish an artless display of affection rather than affected airs. But that noble simplicity of affection which dares to appear unadorned, has few attractions for the libertine, though it be the charm which, by cementing the matrimonial tie, secures to the pledges of a warmer passion the necessary parental attention; for children will never be properly educated till friendship subsists between parents. Virtue flies from a house divided against itself – and a whole legion of devils take up their residence there.

The affections of husbands and wives cannot be pure when they have so few sentiments in common, and when so little confidence is established at home, as must be the case when their pursuits are so different. That intimacy from which tenderness should flow, will not, cannot subsist between the vicious.

Contending, therefore, that the sexual distinction which men have so warmly insisted upon is arbitrary, I have dwelt on an observation that several sensible men, with whom I have conversed on the subject, allowed to be well founded; and it is simply this, that the little chastity to be found amongst men, and consequent disregard of modesty, tend to degrade both sexes; and further, that the modesty of women, characterized as such, will often be only the artful veil of wantonness instead of being the natural reflection of purity, till modesty be universally respected.

From the tyranny of man, I firmly believe, the greater number of female follies proceed; and the cunning, which I allow makes at present a part of their character, I likewise have repeatedly endeavoured to prove, is produced by oppression. [...]

Asserting the rights which women in common with men ought to contend for, I have not attempted to extenuate their faults; but to prove them to be the natural consequence of their education and station in society. If so, it is reasonable to suppose that they will change their character, and correct their vices and follies, when they are allowed to be free in a physical, moral, and civil sense.

Let women share the rights, and she will emulate the virtues of man; for she must grow more perfect when emancipated, or justify the authority that chains such a weak being to her duty. – If the latter, it will be expedient to open a fresh trade with Russia for whips: a present which a father should always make to his son-in-law on his wedding day, that a husband may keep his whole family in order by the same means; and without any violation of justice reign, wielding the sceptre, sole master of his house, because he is the only being in it who has reason: – the divine, indefeasible earthly sovereignty breathed into man by the Master of the universe. Allowing this position, women have not any inherent rights to claim; and by the same rule their duties vanish, for rights and duties are inseparable.

Be just then, O ye men of understanding! and mark not more severely what women do amiss, than the vicious tricks of the horse or the ass for whom ye provide provender – and allow her the privileges of ignorance, to whom ye deny the rights of reason, or ye will be worse than Egyptian task-masters, expecting virtue where nature has not given understanding!

13 Jeremy Bentham (1748–1832)

Bentham was born into a prosperous middle-class London family. His intellectual powers were discovered early, and he was sent to Westminster School at the age of seven and to Queens College, Oxford, at twelve. Although originally destined for the Law – and called to the bar in 1769 – he never really practised law. Instead, living on a modest £100 per annum and hack work as a translator, he began to develop his ideas concerning the law and society. His early work was concerned with the reform of the law and establishing the basic principles for such reform. After spending fifteen years on such matters, a visit to Russia in 1780 turned him towards public administration and social policy. It was in Russia that he developed the idea of an ideal prison; the Panopticon. The advent of the French Revolution excited him because of its possibilities for legal, social and political reform, and he managed to get his ideas discussed before the National Assembly. However, they were not adopted, and the progress of the Revolution alarmed and alienated him. In England his prison proposals were also frustrated. Although he was in correspondence with major figures of the eighteenth century, such as Madison in America and Brisson in France, he was largely unknown in England; it was not until the nineteenth century – and especially after 1809 – that his fame began to spread.

Bentham's legal radicalism led him on to become a social and political radical and, because of his links with James Mill and David Ricardo, one of the leaders of the attack on the system of government and public administration, which he named 'Old Corruption' and was determined to replace. 'Benthamism' or 'Utilitarianism' (his name for his central doctrine) was one of the driving forces for political and social reform in the nineteenth century. It formed the basis of a movement for reforming politics, public administration, welfare and education. Perhaps, its greatest obvious victories were its part in the repeal of the Corn Laws – which effectively undercut the economic base of the landed classes – and the professionalisation of the civil service – which deprived the same classes of a huge amount of political patronage. However, its influence (see below) went far beyond these battlegrounds.

Because of his position among the radicals, Bentham became a well-known and much admired public figure. He spent the last twenty years of his life refining his radical ideas and ensuring their spread by founding the *Westminster Review*

in 1824 and University College, London, in 1825. By the time of his death he was a widely respected – indeed widely revered – figure whose personal qualities were admired even by those opposed to his ideas.

Bentham was writing at the end of the eighteenth century, largely during the French Revolution and the subsequent wars between Great Britain – among others – and Revolutionary and then Napoleonic France. This conflict, which often involved all of Europe, occupies the political foreground of the time, but it should not obscure other, longer-term changes in the political scene. Between 1750 and 1850 Great Britain became unquestionably the dominant economic power in the world, its progress to this position fuelled by trade and, increasingly, industrialisation. Not only did this process create an economic and social base for the political aspirations of the capitalist classes, it also saw the rise of what came to be termed the ‘professional’ classes; thus, if any period deserves to be described in terms of the historical cliché about the rise of the middle class, it is this one. Bentham and his ideas provided a focus for the aspirations of the new men and a weapon with which to challenge the entrenched political power of the land-owning classes. Such a challenge came at the end of a century in which intellectual and scientific advance seemed to make everything possible, and in which the forces of ‘progress’ could overwhelm even the monarchy of France. (It is striking that Napoleon – for twenty years depicted in England as the ‘ogre’ of Europe – also played his part in the battle against the status quo, for example through his codification of French law, which would have been dear to Bentham’s heart.) And, both in Great Britain and throughout the world, Bentham and his followers were destined to become major contributors to the political debates of the next hundred years.

Bentham is chiefly remembered today as the founder of the doctrine of moral philosophy called Utilitarianism. It is certainly true that the publication of his *Introduction to the Principles of Morals and Legislation* (1789) provided a basis for moral and political thought which has been of enormous historical importance and continues to be influential today. However, simply to see Bentham as the propagator of philosophical ideas is radically to underestimate his significance. He consciously aimed to be remembered as the most ‘effectively benevolent’ person who has ever lived, and it is against this noble, but perhaps impossibly elevated, ambition that his life should be judged.

Bentham was a productive and profound thinker – if not always a subtle one. He published a great deal of work, but his unpublished works, which were read by his circle, were also influential. So, for instance, throughout his life he worked upon an attack upon Blackstone’s *Commentaries on the Laws of England*, whose defence of common law and the role of judges in interpreting it Bentham thought odious. In his later life he devoted a great amount of time to attempting to codify English law, although the attempt was never completed. H.L.A. Hart, the greatest legal philosopher in England since World War II, has argued that, if Bentham’s *Of Laws in General* had been published earlier, it, and not ‘the obviously derivative’ work of Bentham’s follower Austin, would have ‘dominated English jurisprudence’ (Bentham [1782] 1970). Bentham’s political and social ideas – whether from

books, unpublished manuscripts, pamphlets or letters – were taken up in India, Latin America, Spain and Italy, where they provided the focus of dissent against conservatism.

In England his *Plan of Parliamentary Reform* (1817) and his *Radical Reform Bill* (1820) argued for a system of politics based upon annual elections, secret voting, equal electoral districts and ‘virtual universality of suffrage’ – he proposed that the enfranchisement of adult men should depend on their capacity to read (in private, he also thought that women should have the vote, but believed this notion too radical for his times). These ideas were taken up by the Chartists and the Reform movement generally. In his *Constitutional Code* (1830) he developed ideas for national and local government which would have radically democratised and professionalised the latter, whilst at the same time extending the former in directions unheard of at the time (e.g. he envisaged departments of government concerned with ‘Interior Communication’, ‘Indigence Relief’, ‘Education and Health’ and ‘Preventive Service’). And his idea of the way to deal with social problems (Inquiry, Report, Legislation, Administration and Inspection) was taken up by both his followers and their opponents and is still much used today. (It is among the great ironies of nineteenth-century literature that one of the most savage attacks on Benthamism – Charles Dickens’ novel *Hard Times* – is at the same time a description of the urban industrial squalor that it fell to Bentham’s disciples, such as Edwin Chadwick and Thomas Southwood Smith, to ameliorate.) Bentham’s influence on Fabian socialism was admitted by figures such as Sidney Webb, and it is a mark of his work – and worth – that a modern commentator (Dinwiddie 1989) should seriously debate whether it is Bentham or Paine who deserves the title ‘Father of the Welfare State’.

The Introduction of the Principles of Morals and Legislation was completed before Bentham’s radical period. However, it is a seminal publication because it contains the principles which underpin all his subsequent work, and hence the work of the Utilitarian school of Philosophers and social theorists. Bentham’s ideas were derived from Helvetius (from whom he took the idea that legislation was the key to human improvement), Beccaria (who probably provided him with the phrase ‘the greatest happiness of the greatest number’) and David Hume (whose treatment of ‘utility’ he admired). The book’s virtues and vices are both typical of Bentham. It is indisputably a powerful and coherent work, but it is also, at times, rather crude, and its theory of motivation – encapsulated in the first sentence – is both dubious and unargued. But this work has been much misunderstood. It is often treated as if it were a recipe for personal morality as well as legislation, but Bentham was clear that this was not its purpose: it was intended to provide the underpinning principles for political and social institutions and legislation. (As far as personal morality was concerned, Bentham deals with this, rather unmemorably, in a subsequent work, *Deontology*).

One of the great debates about both Bentham and the Utilitarians generally concerns their attitudes to a market economy. It is certainly true that they championed laissez-faire capitalism in the early years of the nineteenth century, when it was a convenient weapon to wield against the ruling class. However, as

can be seen from the above, Bentham was no enemy to government interference in people's lives, and the *Principles* provide at least a theoretical answer to this question: the market is to be supported when it contributes to the general happiness, and opposed when it does not. Bentham's considered view (see Dinwiddy 1989) was probably that the free market was supreme that in terms of wealth creation, but that this left much for governments to do.

Bentham is in many ways one of the key figures of the Enlightenment (and is seen as such by critics of 'the Enlightenment Project', such as Foucault.) The key influences on his thought are not only political theorists such as Locke, Madison and Hamilton, with their belief that politics was part of the province of Reason, but also such other standard-bearers of the Enlightenment as the French *philosophes*, e.g. Voltaire, D'Alembert, Diderot. Another influence was David Hume, although here Bentham absorbed his ideas about scientific method and the role of utility within morality, while completely rejecting the conservative temper of Hume's political thought.

Historians have long appreciated Bentham's importance for any understanding of political and social life in the nineteenth century (see Perkin 1969), and, as stated above, a modern commentator (Dinwiddy 1989) can debate his role in the foundation of the welfare state. Nonetheless, it is probably true that political theorists have rather neglected Bentham's work. The reason for this lies in the generality of the principle of utility. Because of its portmanteau nature, and the fact that it can be applied to any social, political and economic situation, it is not determined by any particular situation, and therefore – unlike, say, the work of Hobbes or Locke – it cannot be located in a particular political context. This may be a weakness when we come to try define the role of the principle in particular political contexts, but it is part of the strength of the principle itself. It is this – along with the fact that utilitarian considerations seem to be embedded in welfare economics – which has ensured that the doctrine, although deeply unfashionable at the moment, has remained a living element of moral and political philosophy, and therefore is still liable to be used in contemporary political debate.

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EXTRACT FROM JEREMY BENTHAM, AN INTRODUCTION TO THE PRINCIPLES OF MORALS AND LEGISLATION

Chapter I: Of the Principle Of Utility

Nature has placed mankind under the governance of two sovereign masters, *pain* and *pleasure*. It is for them alone to point out what we ought to do, as well as to determine what we shall do. On the one hand the standard of right and wrong, on the other the chain of causes and effects, are fastened to their throne. They govern us in all we do, in all we say, in all we think: every effort we can make to throw off our subjection, will serve but to demonstrate and confirm it. In words a man may pretend to abjure their empire: but in reality he will remain subject to it all the while. The *principle of utility*, recognises this subjection, and assumes it for the foundation of that system, the object of which is to rear the fabric of felicity by the hands of reason and of law. Systems which attempt to question it, deal in sounds instead of senses, caprice instead of reason, in darkness instead of light.

But enough of metaphor and declamation: it is not by such means that moral science is to be improved.

The principle of utility is the foundation of the present work: it will be proper therefore at the outset to give an explicit and determinate account of what is meant by it. By the principle of utility is meant that principle which approves or disapproves of every action whatsoever, according to the tendency which it appears to have to augment or diminish the happiness of the party whose interest is in question: or, what is the same thing in other words, to promote or oppose that happiness. I say of every action whatsoever; and therefore not only of every action of a private individual but of every measure of government.

By utility is meant that property in any object, whereby it tends to produce benefit, advantage, pleasure, good, or happiness, (all this in the present case comes to the same thing) or (what comes again to the same thing) to prevent the happening of mischief, pain, evil, or unhappiness to the party whose interest is considered: if that party be the community in general, then the happiness of the community: if a particular individual, then the happiness of that individual.

The interest of the community is one of the most general expressions that can occur in the phraseology of morals: no wonder that the meaning of it is often lost. When it has a meaning, it is this. The community is a fictitious *body*, composed of the individual persons who are considered as constituting as it were its *members*. The interest of the community then is, what? – the sum of the interests of the several members who compose it.

It is in vain to talk of the interest of the community, without understanding what is the interest of the individual. A thing is said to promote the interest, or to be *for* the interest of an individual, when it tends to add to the sum total of his pleasures: or, what comes to the same thing, to diminish the sum total of his pains.

An action then may be said to be conformable to the principle of utility, or, for shortness sake, to utility, (meaning with respect to the community at large) when the tendency it has to augment the happiness of the community is greater than any it has to diminish it.

A measure of government (which is but a particular kind of action, performed by a particular person or persons) may be said to be conformable to or dictated by the principle of utility, when in like manner the tendency which it has to augment the happiness of the community is greater than any which it has to diminish it.

When an action, or in particular a measure of government, is supposed by a man to be conformable to the principle of utility, it may be convenient, for the purposes of discourse, to imagine a kind of law or dictate, called a law or dictate of utility; and to speak of the action in question, as being conformable to such law or dictate.

A man may be said to be a partisan of the principle of utility, when the approbation or disapprobation he annexes to any action, or to any measure, is determined by and proportioned to the tendency which he conceives it to have to augment or to diminish the happiness of the community: or in other words, to its conformity or un conformity to the laws or dictates of utility.

Of an action that is conformable to the principle of utility one may always say either that it is one that ought to be done, or at least that it is not one that ought not to be done. One may say also, that it is right it should be done; at least that it is not wrong it should be done: that it is a right action; at least that it is not a wrong action. When thus interpreted, the words *ought*, and *right* and *wrong*, and others of that stamp have a meaning: when otherwise, they have none.

Has the rectitude of this principle been ever formally contested? It should seem that it had, by those who have not known what they have been meaning. Is it susceptible of any proof? it should seem not: for that which is used to prove every thing else, cannot itself be proved: a chain of proofs must have their commencement somewhere. To give such proof is as impossible as it is needless.

Not that there is or ever has been that human creature breathing, however stupid or perverse, who has not on many, perhaps on most occasions of his life, deferred to it. By the natural constitution of the human frame, on most occasions of their lives men in general embrace this principle, without thinking of it: if not for the ordering of their own actions, yet for the trying of their own actions, as well as of those of other men. There have been, at the same time, not many, perhaps, even of the most intelligent, who have been disposed to embrace it purely and without reserve. There are even few who have not taken some occasion or other to quarrel with it, either on account of their not understanding always how to apply

it, or on account of some prejudice or other which they were afraid to examine into, or could not bear to part with. For such is the stuff that man is made of: in principle and in practice, in a right track and in a wrong one, the rarest of all human qualities is consistency.

When a man attempts to combat the principle of utility, it is with reasons drawn, without his being aware of it, from that very principle itself. His arguments if they prove any thing, prove not that the principle is *wrong*, but that according to the applications he supposes to be made of it, it is *misapplied*. Is it possible for a man to move the earth? Yes; but he must first find out another earth to stand upon.

To disprove the propriety of it by arguments is impossible; but, from the causes that have been mentioned, or from some confused or partial view of it, a man may happen to be disposed not to relish it. Where this is the case, if he thinks the settling of his opinions on such a subject worth the trouble, let him take the following steps and at length, perhaps, he may come to reconcile himself to it.

1. Let him settle with himself, whether he would wish to discard this principle altogether; if so, let him consider what it is that all his reasonings (in matters of politics especially) can amount to?
2. If he would, let him settle with himself, whether he would judge and act without any principal, or whether there is any other he would judge and act by?
3. If there be, let him examine and satisfy himself the principle he thinks he has found is really any separate intelligible principle; or whether it is not a mere principle in words, a kind of phrase, which at bottom expresses neither more nor less than the mere averment of his own unfounded sentiments; that is, what in another person he might be apt to call caprice?
4. If he is inclined to think that his own approbation or disapprobation, annexed to the idea of an act, without any to its consequences, is a sufficient foundation for him to judge and act upon, let him ask himself whether his sentiment is to be a standard of right and wrong, with respect to every other man, or whether every man's sentiment has the same privilege of being a standard to itself?
5. In the first case, let him ask himself whether his principle is not despotic, and hostile to all the rest of human race.
6. In the second case, whether it is not anarchical, and whether at this rate there are not as many different standards of right and wrong as there are men? and whether even to the sane man, the same thing, which is right today, may not (without the least change in its nature) be wrong to-morrow? and whether the same thing is not right and wrong in the same place at the same time? and in either case, whether all argument is not at an end? and whether, when two men have said, 'I like this,' and 'I don't, like it,' they can (upon such a principle) have any thing more to say?
7. If he should have said to himself, No: for that sentiment which he proposes as a standard must be grounded on reflection, let him say on what particulars the reflection,

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is to turn? if on particulars having relation to the utility of the act, then let him say whether this is not deserting his own principle, and borrowing assistance from that very one in opposition to which he sets it up: or if not on those particulars, on what other particulars?.

8. If he should be for compounding the matter and adopting his own principle in part, and the principle of utility in part, let him say how far he will adopt it?
9. When he has settled with himself where he will stop, then let him ask himself how he justifies to himself the adopting it so far? and why he will not adopt it any farther?
10. Admitting any other principle than the principle of utility to be a right principle, a principle that it is right for a man to pursue; admitting (what is not true) that the word *right* can have a meaning without reference to utility, let him say whether there is any such thing as a motive that a man can have to pursue the dictates of it: if there is, let him say what that *motive* is, and how it is to be distinguished from those which enforce the dictates of utility: if not, then lastly let him say what it is this other principle can be good for?

Chapter IV: Value of a Lot of Pleasure or Pain, How to be Measured

Pleasures then, and the avoidance of pains, are the *ends* which the legislator has in view: it behoves him therefore to understand their *value*. Pleasures and pains are the *instruments* he has work with: it behoves him therefore to understand their force, which is again, in other words, their value.

To a person considered *by himself*, the value of a pleasure considered *by itself*, will be greater or less, according to the four following circumstances:

1. Its *intensity*.
2. Its *duration*.
3. Its *certainty* or *uncertainty*.
4. Its *propinquity* or *remoteness*.

These are the circumstances which are to be considered in estimating a pleasure or a pain considered each of them by itself. But when the value of any pleasure or pain is considered for the purpose of estimating the tendency of any *act* by which it is produced. There are two other circumstances to be taken into account; these are,

5. Its *fecundity*, or the chance it has of being followed by sensations of the *same* kind: that is, pleasures, if it be a pleasure: pains, if it be a pain.
6. Its *purity*, or the chance it has of *not* being followed by sensations of the *opposite* kind: that is, pains, if it be a pleasures, pleasures, if it be a pain.

These two last, however, are in strictness scarcely to be deemed properties of the pleasure or the pain itself; they are not, therefore, in strictness to be taken into the account of the value of that pleasure or that pain. They are in strictness to be deemed properties only of the act, or other event, by which such pleasure or pain has been produced; and accordingly are only to be taken into the account of the tendency of such act or such event.

To a *number* of persons, with reference to each of whom the value of a pleasure or a pain is considered, it will be greater or less, according to seven circumstances: to wit, the six preceding ones; viz.

1. Its *intensity*.
2. Its *duration*.
3. Its *certainty* or *uncertainty*.
4. Its *propinquity* or *remoteness*.
5. Its *fecundity*.
6. Its *purity*.

And one other; to wit.

7. Its *extent*; that is, the number of persons to whom it *extends*; or (in other words) who are affected by it.

To take an exact account then of the general tendency of any act, by which the interests of a community are affected, proceed as follows. Begin with any one person of those whose interests seem most immediately to be affected by it: and take an account,

1. Of the value of each distinguishable *pleasure* which appears to be produced by it in the *first* instance.
2. Of the value of each *pain* which appears to be produced by it in the *first* instance.
3. Of the value of each pleasure which appears to be produced by it *after* the first. This constitutes the *fecundity* of the first pleasure and the *impurity* of the first *pain*.
4. Of the value of each *pain* which appears to be produced by it after the first. This constitutes the *fecundity* of the first *pain*, and the *impurity* of the first pleasure.
5. Sum up all the values of all the *pleasures* on the one side, and those of all the pains on the other. The balance, if it be, on the side of pleasure, will give the *good* tendency of the act upon the whole, with respect to the interests of that *individual* person; if on the side of pain, the *bad* tendency of it upon the whole.
6. Take an account of the *number* of persons whose interests appear to be concerned; and repeat the above process with respect to each. *Sum up* the numbers expressive of the degrees of *good* tendency, which the act has, with respect to each individual, in regard

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to whom the tendency of it is *good* upon the whole: do this again with respect to each individual, in regard to whom the tendency of it is bad upon the whole. Take the *balance*; which if on the side of *pleasure*, will give the general *good tendency* of the act, with respect to the total number or community of individuals concerned; if on the side of pain, the general *evil tendency*, with respect to the same community.

It is not to be expected that this process should be strictly pursued previously to every moral judgment, or to legislative or judicial operation. It may, however, be kept in view: and as near as the process actually pursued on these occasions approaches to it, so near will such process approach to the character of an exact one.

The same process is alike applicable to pleasure and pain, in whatever shape they appear: and by whatever denomination they are distinguished: to pleasure, whether it be called *good* (which is properly the cause or instrument of pleasure) or *profit* (which is distant pleasure, or the cause or instrument of distant pleasure,) or *convenience*, or *advantage*, *benefit*, *emolument*, *happiness*, and so forth: to pain, whether it be called *evil*, (which corresponds to *good*) or *mischief*, or *inconvenience*, or *disadvantage*, or *loss*, or *unhappiness*, and so forth.

Nor is this a novel and unwarranted, any more than it is a useless theory. In all this there is nothing but what the practice of mankind, wheresoever they have a clear view of their own interest, is perfectly conformable to. An article of property, an estate in land, for instance, is valuable, on what account? On account of the pleasures of all kinds which it enables a man to produce, and what comes to the same thing the pains of all kinds which it enables him to avert. But the value of such an article of property is universally understood to rise or fall according to the length or shortness of the time which a man has in it: the certainty or uncertainty of its coming into possession: and the nearness or remoteness of the time at which, if at all, it is to come into possession. As to the *intensity* of the pleasures which a man may derive from it, this is never thought of, because it depends upon the use which each particular person may come to make of it; which cannot be estimated till the particular pleasures he may come to derive from it, or the particular pains he may come to exclude by means of it are brought to view. For the same reason, neither does he, think of the *fecundity* or *purity* of those pleasures.

Thus much for pleasure and pain, happiness and unhappiness, in *general*. We come now to consider the several particular kinds of pain and pleasure.

14 John Stuart Mill (1806–73)

Because of his *Autobiography* (1873), John Stuart Mill's life is one of the best-known of any political thinker's (although a recent commentator suggests that the published version is not wholly reliable – see Ryan 1970). He was born in London in 1806, the son of James Mill, and educated privately by his father, who taught him Greek at three or four, arithmetic and Latin at eight, logic at twelve and political economy at thirteen. Two years after Mill's birth, his father met Jeremy Bentham, and these two, along with David Ricardo, formed the nucleus of the Utilitarian movement. John Stuart was brought up to carry this movement forward. After studying history, law and philosophy he began a career under his father at India House, the headquarters of the East India Company, and rose to be head of the Examiner's Office by the time of the Company's dissolution in 1858. In 1826 he entered a period of depression, which lasted for two years until he was brought out of it by his discovery of the Romantic poets. Whilst working at India House he was part of the Utilitarian intellectual scene in London, taking part in various discussion groups and contributing to the London Debating Society. From 1837 to 1840 he was the owner and director of the *London and Westminster Review*.

In 1830 Mill met Harriet Taylor – then the wife of John Taylor, a merchant – and began an attachment that, after John Taylor's death in 1851, led to their marriage and seven years of life together until she died in 1858. Mill credited Harriet Taylor with many of the ideas he put forward in *On Liberty*. In 1865 Mill entered Parliament as the member for Westminster and remained there until 1868, when he lost his seat. Thereafter, he retired to France with his step-daughter; he died of a fever in 1873.

John Stuart Mill was the second great Utilitarian thinker of the nineteenth century. Like his mentor, Bentham, and his father, Bentham's disciple, he devoted much of his intellectual energy to political issues. However, as well as being a far more subtle political commentator than Bentham, Mill had much wider intellectual interests. As well as his four major works on politics – *Principles of Political Economy* (1848), *On Liberty* (1859), *Considerations of Representative Government* (1861) and *The Subjection of Women* (1869) – Mill also published work of lasting value on philosophical logic (*A System of Logic*, 1843, and *An Examination of Sir William Hamilton's Philosophy*, 1865), moral philosophy (*Utilitarianism*, 1861) and

the philosophy of religion (*Three Essays on Religion*, 1874). One of the most brilliant of the great Victorians, Mill is also a major contributor to the British Empiricism, which begins with Locke, Berkeley and Hume in the eighteenth century and extends to Russell in the present century.

On Liberty has been hugely influential and is, deservedly, one of the classic texts of liberal democratic thought. However, for reasons both good and bad, Mill's other political works have suffered from relative neglect. The good reasons relate the fact that the battles Mill fought have now largely been won – although this should not detract from recognition of his contribution to the cause of female suffrage, in *Representative Government* and *The Subjection of Women* (in Spy's cartoon for his series of eminent Victorians, Mill is simply labelled 'A Feminine Philosopher'). The bad reasons have to do with a rather perverse inclination to emphasise Mill's 'mistakes' at the cost of his good sense. Thus, for instance, *Representative Government* seems to be remembered chiefly for his suggestion that, in the context of full adult suffrage, the educated should have more votes than the uneducated. What is ignored is that he was willing to forgo this suggestion if a proper system of proportional representation was accepted. Similarly ignored are his idea of political society as a moral community and his measured assessment of communism (both in the above work and in *Principles of Political Economy*).

The power of Mill's arguments in *On Liberty* has lasted until the present day. However, the treatment of such arguments has often been rather unsatisfactory. Too often, they have either been treated completely separately from Mill's commitment to Utilitarianism – despite his endorsement of the principle of utility in the book's Introduction – or they have been assessed independently of the political context in which they were produced. Although the survival of the arguments into the present gives some warrant for this timeless treatment, it is nevertheless the case that, if we wish to fully understand Mill's position, we have to see it in the context of his day.

By the time *On Liberty* was written, and certainly by the time it was published, many of the battles which had concerned the early Benthamites had been won, or else victory was in prospect. The economic power of the landed classes had been severely damaged by the repeal of the Corn Laws (1846), and their power of patronage curtailed by the institution of a professional Civil Service entered by examination. Universal adult participation in the franchise was in the distance, but both the existence of the first Reform Act (1832) and its manifest inadequacies meant that the door to progress had been opened and would stay open. Bentham's recipe for social reform (Enquiry; Report; Legislation; Administration; Inspection) was being applied to such things as factory conditions, child labour, housing, sanitation and education, and the penal law had been reformed to the extent that Mill – for years a proponent of the abolition of capital punishment – could give a speech in Parliament urging its retention for cases of aggravated murder. Thus the government of Britain was moving from its eighteenth-century position of neutrality on social issues towards becoming the main engine of social welfare. And, although the Old Radical alliance of Utilitarianism and business had fractured over the years, and faith had been lost (at least in some quarters) in the positive

social role of the market, enough impetus for reform remained to push the Utilitarian programme forward. At the same time the nineteenth century witnessed the first real growth of an informed, committed, campaigning and popular press that could both respond to and mould public opinion.

In such a situation, what was needed was not merely a set of principles that would underpin reform – and, for men such as Mill and Chadwick, Utilitarianism had already provided such principles – but also principles that would determine the scope and limits of such reform. Mill, alone, was politically shrewd enough both to recognise this second problem and to see how such principles could be reconciled with the principle of utility.

By the time of *On Liberty* Mill had lost his early faith in the efficacy of the unrestrained market to deliver social goods. However, one of the striking things about the arguments in this work is how they resemble arguments for economic liberalism. Just as the general welfare is supposed, by an ‘invisible hand’, to derive from the free play of selfish and competitive economic activity, so, for Mill, the free play of partisan intellectual activity will produce and sustain truth (and Mill assumes that truth has a utilitarian value). Just as, with the market, no central planning can possibly be subtle and complex enough to encompass individual economic preferences, so, in the non-economic social world, the individuals’ decisions about their own private well-being are paramount. As with economics, it is not that such decisions will necessarily be right, but rather that they have less chance of being wrong than decisions made for individuals by either government or public opinion. In seeing this, Mill provides a step forward in Utilitarian thought and a principle for the literature which remains current today.

On Liberty obviously continues – and sometimes simply repeats – Milton’s work of the *Areopagitica*. However, its broader emphasis it goes far beyond that. It also has to be related – as is stressed above – to the Utilitarian movement begun by Bentham. But one can also see in Mill, both in *On Liberty* and in his other social and political texts, the continuation of the Enlightenment aim of constructing a ‘science’ of society. And this links him with thinkers such as Montesquieu, Hume and Paine.

Whatever the reputation of Mill’s other work, that of *On Liberty* is secure. Not only are the doctrines which Mill develops still defended by modern libertarians (e.g. Noam Chomsky), they have also been central to some of the great social debates and legislation of the present century. They informed the work of the Wolfenden Committee on the law concerning sexual behaviour, and thus the legislation which derived from that work (1957–67), and they were explicitly at the heart of the work of the Williams Committee (1975) concerning censorship. Indeed, so pervasive is Mill’s position that all sides in the debate over pornography and censorship (see Itzin 1992) seem to accept the ‘harm condition’. Where they differ is over their respective definitions of harm. Much of Mill’s other work on logic, morality and religion is still studied by philosophy students, and with regard to feminism, whilst his name is probably not as well known as Wollstonecraft’s, he deserves credit and recognition for his theoretical and practical attempts to question the position of women in his day.

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EXTRACT FROM JOHN STUART MILL, *ON LIBERTY*

Introductory

[...] The object of this essay is to assert one very simple principle, as entitled to govern absolutely the dealings of society with the individual in the way of compulsion and control, whether the means used be physical force in the form of legal penalties or the moral coercion of public opinion. That principle is, 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. That the only purpose for which power can rightfully be exercised over any member of a civilized community, against his will is to prevent harm to others. His own good either physical or moral, is not sufficient warrant. He cannot rightfully be compelled to do or forbear because it will be better for him to do so, because it will make him happier, because in the opinions of others, to do so would be wise, or even right, These are good reasons for remonstrating with him, or reasoning with him, or, but not for compelling him, or visiting him with any evil in case he do otherwise. To justify that, the conduct from which it is desired to deter him must be calculated to produce evil to some one else. The only part of conduct of anyone, for which he is amenable to society is that which concerns others. In the part which merely concerns himself, his independence is, of right, absolute. Over himself, over his own body and mind, the individual is sovereign.

[...] But there is a sphere of action in which society, as distinguished from the individual, has if any, only an indirect interest; comprehending all that portion of a person's life and conduct which affects only himself, or if it also affects others, only with their free, voluntary and undeceived consent and participation. When I say only himself, I mean directly, and in the first instance; for whatever affects himself, may affect others through himself; and the objection which may be grounded on this contingency will receive consideration in the sequel. This, then, is the appropriate region of human liberty. It comprises, first, the inward domain

of consciousness; demanding liberty of conscience, in the most comprehensive sense; liberty of thought and feeling; absolute freedom of opinion and sentiment on all subjects, practical or speculative, scientific, moral or theological. The liberty of expressing and publishing opinions may seem to fall under a different principle, since it belongs to that part of the conduct of an individual which concerns other people; but, being almost of as much importance as the liberty of thought itself, and resting in great part on the same reasons, is practically inseparable from it. Secondly, the principle requires liberty of tastes and pursuits; of framing the plan of our life to suit our own character; of doing as we like, subject to such consequences as may follow: without impediment from our fellow creatures, so long as what we do does not harm them, even though they should think our conduct foolish, perverse, or wrong. Thirdly, from this liberty of each individual, follows the liberty within the same limits, of combination among individuals; freedom to unite, for any purpose not involving harm to others: the persons combining being supposed to be of full age, and not forced or deceived.

The Liberty of Thought and Discussion

The time, it is to be hoped, is gone by, when any defence would be necessary of the 'liberty of the press' as one of the securities against corrupt or tyrannical government. No argument, we may suppose, can now be needed, against permitting a legislature or an executive, not identified in interest with the people, to prescribe opinions to them, and determine what doctrines or what arguments they shall be allowed to hear. This aspect of the question, besides, has been so often and so triumphantly enforced by preceding writers, that it needs not be specially insisted on in this place. Though the law of England, on the subject of the press, is as servile to this day as it was in the time of the Tudors, there is little danger of its being actually put in force against political discussion, except during some temporary panic, when fear of insurrection drives ministers and judges from their propriety; and speaking generally, it is not, in constitutional countries, to be apprehended, that the government, whether completely responsible to the people or not, will often attempt to control the expression of opinion, except when in doing so it makes itself the organ of the general intolerance of this public. Let us suppose, therefore, that the government is entirely at one with the people, and never thinks of exerting any power of coercion unless in agreement with what it conceived to be their voice. But I deny the right of the people to exercise such coercion, either by themselves or by their government. The power itself is illegitimate. The best government has no more title to it than the worst. It is as noxious, or more noxious when exerted in accordance with public opinion, than when in opposition to it. If all mankind minus one, were of one opinion, and only one person were of the contrary opinion, mankind would be no more justified in silencing that one person, than he, if he had the power, would be justified in silencing mankind. Were an opinion a personal possession of no value except to

the owner; if to be obstructed in the enjoyment of it were simply a private injury, it would make some difference whether the injury was inflicted only on a few persons or on many. But the peculiar evil of silencing the expression of an opinion is that it is robbing the human race; posterity as well as the existing generation; those who dissent from the opinion, still more than those who hold it. If the opinion is right, they are deprived of the opportunity of exchanging error for truth, if wrong, they lose, what is almost as great a benefit, the clearer perception and livelier impression of truth, produced by its collision with error.

It is necessary to, consider separately these two hypotheses, each of which has a distinct branch of the argument corresponding to it. We can never be sure that the opinion we are endeavouring to stifle is a false opinion; and if we were sure, stifling it would be an evil still.

First, the opinion which it is attempted to suppress by authority may possibly be true. Those who desire to suppress it, of course deny its truth; but they are not infallible. They have no authority to decide the question for all mankind, and exclude every other person from the means of judging. To refuse a hearing to an opinion, because they are sure that it is false, is to assume that *their* certainty is the same thing as *absolute* certainty. All silencing of discussion is an assumption of infallibility. Its condemnation may be allowed to rest on this common argument, not the worse for being common.

Unfortunately for the good sense of mankind, the fact of their fallibility is far from carrying the weight in their practical judgement, which is always allowed to it in theory; for while every one well knows himself to be fallible, few think it necessary to take any precautions against their own fallibility, or admit the supposition that any opinion, of which they feel very certain, may be one of the examples of the error to which they acknowledge themselves to be liable. Absolute princes, or others who are accustomed to unlimited deference, usually feel this complete confidence in their own opinions on nearly all subjects. People more happily situated, who sometimes hear their opinions disputed, and are not wholly unused to be set right when they are wrong, place the same unbounded reliance only on such of their opinions as are shared by all who surround them, or to whom they habitually defer: for in proportion to a man's want of confidence in his own solitary judgement, does he usually repose, with implicit trust, on the infallibility of 'the world' in general. And the world, to each individual, means the part of it with which he comes in contact; his party, his sect, his church, his class of society: the man may be called, by comparison, almost liberal and large-minded to whom it means anything so comprehensive as his own country or his own age. Nor is his faith in this collective authority at all shaken by his being aware that other ages, countries, sects, churches, classes, and parties have thought, and even now think, the exact reverse. He devolves upon his own world the responsibility of being in the right against the dissentient worlds of other people; and it never troubles him that mere accident has decided which of these numerous worlds is the object of his reliance, and that the same causes which make him a Churchman in London, would have made him a Buddhist or a Confucian in Peking. Yet it is

as evident in itself, as any amount of argument can make it, that ages are no more infallible than individuals; every age having held many opinions which subsequent ages have deemed not only false but absurd; and it is as certain that many opinions, now general, will be rejected by future ages, as it is that many, once general, are rejected by the present.

The objection likely to be made to this argument would probably take some such form as the following. There is no greater assumption of infallibility in forbidding the propagation of error, than in any other thing which is done by public authority on its own judgement and responsibility. Judgement is given to men that they may use it. Because it may be used erroneously, are men to be told that they ought not to use it at all? To prohibit what they think pernicious, is not claiming exemption from error, but fulfilling the duty incumbent on them, although fallible, of acting on their conscientious conviction. If we were never to act on our opinions, because those opinions may be wrong, we should leave all our interests uncared for, and all our duties unperformed. An objection which applies to all conduct, can be no valid objection to any conduct in particular. It is the duty of governments, and of individuals, to form the truest opinions they can; to form them carefully, and never impose them upon others unless they are quite sure of being right. But when they are sure (such reasoners may say), it is not conscientiousness but cowardice to shrink from acting on their opinions, and allow doctrines which they honestly think dangerous to the welfare of mankind, either in this life or in another, to be scattered abroad without restraint, because other people, in less enlightened times, have persecuted opinions now believed to be true. Let us take care, it may be said, not to make the same mistake: but governments and nations have made mistakes in other things, which are not denied to be fit subjects for the exercise of authority. They have laid on bad taxes, made unjust wars. Ought we therefore to lay on no taxes, and, under whatever provocation, make no wars? Men, and governments, must act to the best of their ability. There is no such thing as absolute certainty, but there is assurance sufficient for the purposes of human life. We may, and must, assume our opinion to be true for the guidance of our own conduct: and it is assuming no more when we forbid bad men to pervert society by the propagation of opinions which we regard as false and pernicious.

I answer, that it is assuming very much more. There is the greatest difference between presuming an opinion to be true, because, with every opportunity for contesting it, it has not been refuted, and assuming its truth for the purpose of not permitting its refutation. Complete liberty of contradicting and disproving our opinion is the very condition which justifies us in assuming its truth for purposes of action; and on no other terms can a being with human faculties have any rational assurance of being right.

When we consider either the history of opinion, or the ordinary conduct of human life, to what is it to be ascribed that the one and the other are no worse than they are? Not certainly to the inherent force of the human understanding; for, on any matter not self evident, there are ninety-nine persons totally incapable of judging of it for one who is capable; and the capacity of the hundredth person is only comparative; for the majority of the eminent men of every past generation hold many opinions now known to be erroneous, and did or approved

numerous things which no one will now justify. Why is it, then, that there is on the whole a preponderance – among mankind of rational opinions and rational conduct? If there really is this preponderance – which there must be unless human affairs are, and have always been, in an almost desperate state – it is owing to a quality of the human mind, the source of everything respectable in man either as an intellectual or as a moral being, namely, that his errors are corrigible. He is capable of rectifying his mistakes, by discussion and experience. Not by experience alone. There must be discussion, to show how experience is to be interpreted. Wrong opinions and practices gradually yield to fact and argument, but facts and arguments, to produce any effect on the mind, must be brought before it. Very few facts are able to tell their own story, without comments to bring out their meaning. The whole strength and value, then, of human judgement, depending on the one property, that it can be set right when it is wrong, reliance can be placed on it only when the means of setting it right are kept constantly at hand. In the case of any person whose judgement is really deserving of confidence, how has it become so? Because he has kept his mind open to criticism of his opinions and conduct. Because it has been his practice to listen to all that could be said against him; to profit by as much of it as was just, and expound to himself, and upon occasion to others, the fallacy of what was fallacious. Because he has felt, that the only way in which a human being can make some approach to knowing the whole of a subject, is by hearing what can be said about it by persons of every variety of opinion, and studying all modes in which it can be looked at by every character of mind. No wise man ever acquired his wisdom in any mode but this; nor is it in the nature of human intellect to become wise in any other manner. The steady habit of correcting and completing his own opinion by collating it with those of others, so far from causing doubt and hesitation in carrying it into practice, is the only stable foundation for a just reliance on it: for, being cognisant of all that can, at least obviously, be said against him, and having taken up his position against all gain-sayers state – knowing that he has sought for objections and difficulties instead of avoiding them, and has shut out no light which can be thrown upon the subject from any quarter state – he has a right to think his judgement better than that of any person, or any multitude, who have not gone through a similar process.

It is not too much to require that what the wisest of mankind, those who are best entitled to trust their own judgement, find necessary to warrant their relying on it, should be submitted to by that miscellaneous collection of a few wise and many foolish individuals called the public. The most intolerant of churches, the Roman Catholic Church, even at the canonization of a saint, admits, and listens patiently to, a ‘devil’s advocate’. The holiest of men, it appears, cannot be admitted to posthumous honours, until all that the devil could say against him is known and weighed. If even the Newtonian philosophy were not permitted to be questioned, mankind could not feel as complete assurance of its truth as they now do. The beliefs which we have most warrant for, have no safeguard to rest on, but a standing invitation to the whole

world to prove them unfounded. If the challenge is not accepted, or is accepted and the attempt fails, we are far enough from certainty still; but we have done the best that the existing state of human reason admits of; we have neglected nothing that could give the truth a chance of reaching us: if the lists are kept open, we may hope that if there be a better truth, it will be found when the human mind is capable of receiving it; and in the meantime we may rely on having attained such approach to truth, as is possible in our own day. This is the amount of certainty attainable by a fallible being, and this the sole way of attaining it.

Strange it is, that men should admit the validity of the arguments for free discussion, but object to their being ‘pushed to an extreme’; not seeing that unless the reasons are good for an extreme case, they are not good for any case. Strange that they should imagine that they are not assuming infallibility, when they acknowledge that there should be free discussion on all subjects which can possibly be *doubtful*, but think that some particular principle or doctrine should be forbidden to be questioned because it is so *certain*, that is, because *they are certain* that it is certain. To call any proposition certain, while there is any one who would deny its certainty if permitted, but who is not permitted, is to assume that we ourselves, and those who agree with us, are the judges of certainty, and judges without hearing the other side.

In the present age – which has been described as ‘destitute of faith, but terrified at scepticism’ – in which people feel sure, not so much that their opinions are true, as that they should not know what to do without them – the claims of an opinion to be protected from public attack are rested not so much on its truth, as on its importance to society. There are, it is alleged, certain beliefs, so useful not to say indispensable to well-being, that it is as much the duty of governments to uphold those beliefs, as to protect any other of the interests of society. In a case of such necessity, and so directly in the line of their duty, something less than infallibility may, it is maintained, warrant, and even bind, governments, to act on their own opinion, confirmed by the general opinion of mankind. It is also often argued, and still oftener thought, that none but bad men would desire to weaken these salutary beliefs; and there can be nothing wrong, it is thought, in restraining bad men, and prohibiting what only such would wish to practise. This mode of thinking makes the justification of restraints on discussion not a question of the truth of doctrines, but of their usefulness; and flatters itself by that means to escape the responsibility of claiming to be an infallible judge of opinions. But those who thus satisfy themselves, do not perceive that the assumption of infallibility is merely shifted from one point to another. The usefulness of an opinion is itself matter of opinion: as disputable, as open to discussion, and requiring discussion as much, as the opinion itself. There is the same need of an infallible judge of opinions to decide an opinion to be noxious, as to decide it to be false, unless the opinion condemned has full opportunity of defending itself. And it will not do to say that the heretic may be allowed to maintain the utility or harmlessness of his opinion, though forbidden to maintain its truth. The truth of an opinion is part of its utility. If we would know whether or not it is desirable that a proposition should be believed, is it possible to exclude the consideration of whether or not it is true. In

the opinion, not of bad men, but of the best men, no belief which is contrary to truth can be really useful: and can you prevent such men from urging that plea, when they are charged with culpability for denying some doctrine which they are told is useful but which they believe to be false? Those who are on the side of received opinions, never fail to take all possible advantage of this plea; you do not find them handling the question of utility as if it could be completely abstracted from that of truth: on the contrary, it is, above all, because their doctrine is the 'truth' that the knowledge or the belief of it is held to be so indispensable. There can be no fair discussion of the question of usefulness, when an argument so vital may be employed on one side, but not on the other. And in point of fact, when law or public feeling do not permit the truth of an opinion to be disputed, they are just as little tolerant of a denial of its usefulness. The utmost they allow is an extenuation of its absolute necessity, or of the positive guilt of rejecting it.

[...] Let us now pass to the second division of the argument, and dismissing the supposition that any of the received opinions may be false, let us assume them to be true, and examine into the worth of the manner in which they are likely to be held, when their truth is not freely and openly canvassed. However unwillingly a person who has a strong opinion may admit the possibility that his opinion may be false, he ought to be moved by the consideration that however true it may be, if it is not fully, frequently, and fearlessly discussed, it will be held as a dead dogma, not a living truth.

There is a class of persons (happily not quite so numerous as formerly) who think it enough if a person assents undoubtingly to what they think true, though he has no knowledge whatever of the grounds of the opinion, and could not make a tenable defence of it against the most superficial objections. Such persons, if they can once get their creed taught from authority, naturally think that no good, and some harm, comes of its being allowed to be questioned. Where their influence prevails, they make it nearly impossible for the received opinion to be rejected wisely and considerately, though it may still be rejected rashly and ignorantly; for to shut out discussion entirely is seldom possible, and when it once gets in, beliefs not grounded on conviction are apt to give way before the slightest resemblance of an argument. Waiving, however, this possibility – assuming that the true opinion abides in the mind, but abides as a prejudice, a belief independent of, and proof against, argument – this is not the way in which truth ought to be held by a rational being. This is not knowing the truth. Truth, thus held, is but one superstition the more, accidentally clinging to the words which enunciate a truth.

If the intellect and judgement of mankind ought to be cultivated, a thing which Protestants at least do not deny, on what can these faculties be more appropriately exercised by any one, than on the things which concern him so much that it is considered necessary for him to hold opinions on them? If the cultivation of the understanding consists in one thing more than in another, it is surely in learning the grounds of one's own opinions. Whatever people believe, on subjects on which it is of the first importance to believe rightly, they ought to be able to defend against at least the common objections. But, some one may say, 'Let them be taught the grounds of their opinions. It does not follow that opinions must be merely parroted

because they are never heard controverted. Persons who learn geometry do not simply commit the theorems to memory, but understand and learn likewise the demonstrations and it would be absurd to say that they remain ignorant of the grounds of geometrical truths, because they never hear any one deny, and attempt to disprove them.' Undoubtedly: and such teaching suffices on a subject like mathematics, where there is nothing at all to be said on the wrong side of the question. The peculiarity of the evidence of mathematical truths is that all the argument is on one side. There are no objections, and no answers to objections. But on every subject on which difference of opinion is possible, the truth depends on a balance to be struck between two sets of conflicting reasons. Even in natural philosophy, there is always some other explanation possible of the same facts; some geocentric theory instead of heliocentric, some phlogiston instead of oxygen; and it has to be shown why that other theory cannot be the true one: and until this is shown, and until we know how it is shown, we do not understand the grounds of our opinion. But when we turn to subjects infinitely more complicated, to morals, religion, politics, social relations, and the business of life, three-fourths of the arguments for every disputed opinion consist in dispelling the appearances which favour some opinion different from it. The greatest orator, save one, of antiquity, has left it on record that he always studied his adversary's case with great, if not with still greater, intensity than even his own. What Cicero practised as the means of forensic success, requires to be imitated by all who study any subject in order to arrive at the truth. He who knows only his own side of the case, knows little of that. His reasons may be good, and no one may have been able to refute them. But if he is equally unable to refute the reasons on the opposite side; if he does not so much as know what they are, he has no ground for preferring either opinion. The rational position for him would be suspension of judgement, and unless he contents himself with that he is either led by authority, or adopts, like the generality of the world, the side to which he feels most inclination. Nor is it enough that he should hear the arguments of adversaries from his own teachers, presented as they state them, and accompanied by what they offer as refutations. That is not the way to do justice to the arguments or bring them into real contact with his own mind. He must be able to hear them from persons who actually believe them; who defend them in earnest, and do their very utmost for them. He must know them in their most plausible and persuasive form; he must feel the whole force of the difficulty which the true view of the subject has to encounter and dispose of; else he will never really possess himself of the portion of truth which meets and removes that difficulty. Ninety-nine in a hundred of what are called educated men are in this condition; even of those who can argue fluently for their opinions. Their conclusion may be true, but it might be false for anything they know: they have never thrown themselves into the mental position of those who think differently from them, and considered what such persons may have to say; and consequently they do not, in any proper sense of the word, know the doctrine which

they themselves profess. They do not know those parts of it which explain and justify the remainder; the considerations which show that a fact which seemingly conflicts with another is reconcilable with it, or that, of two apparently strong reasons, one and not the other ought to be preferred. All that part of the truth which turns the scale, and decides the judgement of a completely informed mind, they are strangers to; nor is it ever really known, but to those who have attended equally and impartially to both sides, and endeavoured to see the reasons of both in the strongest light. So essential is this discipline to a real understanding of moral and human subjects, that if opponents of all important truths do not exist, it is indispensable to imagine them, and supply them with the strongest arguments which the most skilful devil's advocate can conjure up.

To abate the force of these considerations, an enemy of free discussion may be supposed to say, that there is no necessity for mankind in general to know and understand all that can be said against or for their opinions by philosophers and theologians. That it is not needful for common men to be able to expose all the misstatements or fallacies of an ingenious opponent. That it is enough if there is always somebody capable of answering them, so that nothing likely to mislead uninstructed persons remains unrefuted. That simple minds, having been taught the obvious grounds of the truths inculcated on them, may trust to authority for the rest, and being aware that they have neither knowledge nor talent to resolve every difficulty which can be raised, may repose in the assurance that all those which have been raised have been or can be answered, by those who are specially trained to the task.

Conceding to this view of the subject the utmost that can be claimed for it by those most easily satisfied with the amount of understanding of truth which ought to accompany the belief of it; even so, the argument for free discussion is no way weakened. For even this doctrine acknowledges that mankind ought to have a rational assurance that all objections have been satisfactorily answered; and how are they to be answered if that which requires to be answered is not spoken? or how can the answer be known to be satisfactory, if the objectors have no opportunity of showing that it is unsatisfactory? If not the public, at least the philosophers and theologians who are to resolve the difficulties, must make themselves familiar with those difficulties in their most puzzling form; and this cannot be accomplished unless they are freely stated, and placed in the most advantageous light which they admit of.

[...] It still remains to speak of one of the principal causes which make diversity of opinion advantageous, and will continue to do so until mankind shall have entered a stage of intellectual advancement which at present seems at an incalculable distance. We have hitherto considered only two possibilities: that the received opinion may be false, and some other opinion, consequently, true; or that, the received opinion being true, a conflict with the opposite error is essential to a clear apprehension and deep feeling of its truth. But there is a commoner case than either of these; when the conflicting doctrines, instead of being one true and the other false, share the truth between them; and the nonconforming opinion is needed to supply the remainder of the truth, of which the received doctrine embodies only a part, Popular opinions, on subjects not palpable to sense, are often true, but seldom or never the

whole truth. They are a part of the truth; sometimes a greater, sometimes, a smaller part, but exaggerated, distorted, and disjoined from truths by which they ought to be accompanied and limited. Heretical opinions, on the other hand, are generally some of these suppressed and neglected truths, bursting the bonds which kept them down, and either seeking reconciliation with the truth contained in the common opinion, or fronting it as enemies, and setting themselves up, with similar exclusiveness, as the whole truth. The latter case is hitherto the most frequent, as, in the human mind, one-sidedness has always been the rule, and many sidedness the exception. Hence, even in revolutions of opinion, one part of truth usually sets while another rises. Even progress, which ought to superadd, for the most part only substitutes, one partial and incomplete truth for another; improvement consisting chiefly in this, that the new fragment of truth is more wanted, more adapted to the needs of the time, than that which it displaces. Such being the partial character of prevailing opinions, even when resting on a true foundation, every opinion which embodies somewhat of the portion of truth which the common opinion omits, ought to be considered precious, with whatever amount of error and confusion that truth may be blended. No sober judge of human affairs will feel bound to be indignant because those who force on our notice truths which we should otherwise have overlooked, overlook some of those which we see. Rather, he will think that so long as popular truth is one-sided, it is more desirable than otherwise that unpopular truth should have one-sided asserters too; such being usually the most energetic, and the most likely to compel reluctant attention to the fragment of wisdom which they proclaim as if it were the whole.

[...] We have now recognized the necessity to the mental well-being of mankind (on which all their other well-being depends) of freedom of opinion, and freedom of the expression of opinion, on four distinct grounds; which we will now briefly recapitulate.

First, if any opinion is compelled to silence, that opinion may, for aught we can certainly know, be true. To deny this is to assume our own infallibility.

Secondly, though the silenced opinion be an error, it may, and very commonly does, contain a portion of truth; and since the general or prevailing opinion on any subject is rarely or never the whole truth, it is only by the collision of adverse opinions that the remainder of the truth has any chance of being supplied.

Thirdly, even if the received opinion be not only true, but the whole truth; unless it is suffered to be, and actually is, vigorously and earnestly contested, it will, by most of those who receive it, be held in the manner of a prejudice, with little comprehension or feeling of its rational grounds. And not only this, but, fourthly, the meaning of the doctrine itself will be in danger of being lost, or enfeebled, and deprived of its vital effect on the character and conduct: the dogma becoming a mere formal profession, inefficacious for good, but cumbering the ground, and preventing the growth of any real and heartfelt conviction, from reason or personal experience. [...]

15 Karl Marx (1818–83)

Marx is widely accepted as the founder of modern communist thinking. Born in Trier, Germany, in 1818, he went on to become one of the most important and prolific political philosophers of the nineteenth century, producing work both independently and with his long-time collaborator Friedrich Engels. As a young student of law and philosophy, Marx was deeply influenced by the work of the German philosopher, G.W.F. Hegel, and this perspective was developed in his early career as a journalist. However, it was as a critical analyst of Hegelian philosophy, classical political economy and his contemporary 'utopian' socialists that Marx's profile was established. He spent the majority of his career as a political thinker exiled in London, having been expelled from France, Germany and Belgium, where he had engaged in political agitation in the late 1840s. In addition to his published books, Marx also contributed to a range of journals and newspapers, although the income he received from these writings was never sufficient to keep the Marx family out of poverty. Fortunately, he could rely on an income from Engels, which enabled Marx to live more comfortably in his later years and allowed him to concentrate on his study of political economy which would eventually appear as *Capital*. Only Volume 1 of *Capital* was published in Marx's lifetime. He died in 1883, and it was left to Engels to edit the enormous manuscripts he left behind, which later appeared as Volumes 2 and 3. Indeed, it can be argued that Marx's major influence came after his death, with the debates in the German Socialist Party at the end of the nineteenth century and, later, the 1917 Bolshevik revolution in Russia, which saw Lenin's accession to power. A re-evaluation of Marx's thought came in the 1930s, with the further publication and translation of some of his early writings, which are represented here by the extract from the *Economic and Philosophical Manuscripts* of 1844.

Marx's thought was developed in the context of the revolutionary turmoil of Europe in the middle of the nineteenth century. Thus, as with many thinkers in this book, the profundity of his ideas was closely intertwined with the historical events in the midst of which they were developed. Nonetheless, the origins of Marx's thinking were grounded in the dominant philosophical and intellectual climate of Germany in the early 1840s, in which the work of Hegel remained preeminent. Thus, despite Marx's later conceptualisation of the materialist view of history, his early work was constructed in the context of the dominant idealist philosophy. By

the time Marx had moved to Paris in 1843, he was engrossed in the project of moving beyond the abstraction of the Hegelian dialectic and establishing a more concrete understanding of the political changes which were beginning to occur in Europe and were to spill over into the revolutionary unrest of 1848. This was the year in which *The Communist Manifesto* was first published, although the book itself did not have much impact on Marx's contemporary revolutionaries. Indeed it is possible to argue that the prophetic message of success for communist revolutionary activity was a reflection of the influence of political events on Marx's writings, rather than *vice versa* (Pierson 1997: 14). Cowling notes that despite the Manifesto's 'cogent ideas and striking prose its initial impact was slight; it is important because of what Marxism became, not because of the way it was used' (Cowling 1998: 2).

From the uprising of the Paris Spring, unrest spread throughout Europe, and challenges to monarchies and autocratic governments became commonplace. However, little that could be described as communist was institutionalised to replace these regimes. Thus the failure of European revolutionaries to establish communistic arrangements with any longevity prompted Marx to turn his attention to the critique of classical political economy first evaluated in the *Economic and Philosophical Manuscripts* and coming to fruition in *Capital*. The lessons of the experience in France between 1848 and 1852 reminded Marx of the necessity of a developed industrial proletariat to act as the gravediggers of capitalism, and the prophetic dimension which provided *The Communist Manifesto* with so much vigour and vibrancy subsequently became less prominent in his writings. Nevertheless, he retained a keen interest in practical political issues in his later work in addition to his intellectual projects. The main expression of this political interest came with the publication of *The Civil War in France* (1871), which reflected on the Paris Commune, and *Critique of the Gotha Programme* (1875), which provided a critical analysis of the new agenda forged by the German Socialist Workers Party.

As should be clear, Marx was a prolific author, even though some of his most important work was not published until long after his death. His early work focused on the reinterpretation of Hegel and can be found in the *Contribution to the Critique of Hegel's Philosophy of Right* and *On the Jewish Question*. Having engaged with classical political economy in the *Economic and Philosophical Manuscripts* (covered in more detail below), Marx continued with the formulation of his theory of history and his critique of Hegelian abstraction and of contemporary socialists between 1845 and 1847. This period saw the publication of *The Holy Family* and *The German Ideology* (both co-authored with Engels; the latter is often seen as the watershed in the development from the early to the later Marx) and *The Poverty of Philosophy*, in which the radical French socialist Pierre-Joseph Proudhon came under attack. Also notable among these early writings was the 'Theses on Feuerbach'; in two or three pages this provides the basic essence of Marx's interpretation of philosophy and history at this period, and it contains one of Marx's most famous aphorisms: 'the philosophers have only interpreted the world in various ways; the point is to change it'.

The importance of *The Communist Manifesto* is considered in more detail below; suffice it to say at this stage that it contains a remarkably succinct expression of the position on historical change and the importance of social class that Marx and Engels developed (see Cowling 1998). During the 1850s and 1860s Marx's primary output focused on his analysis of political events in France and his major critique of political economy. The former can be found in *The Class Struggles in France* and *The Eighteenth Brumaire of Louis Bonaparte*; his work on political economy in this era, which included *Theories of Surplus Value*, can be found in *Grundrisse* (written in 1857–8), which contained the foundational ideas that later informed the more developed analysis in *Capital* (discussed in more detail below). Marx's later work, after the publication of Volume 1 of *Capital*, included his political reflections on the Paris Commune and his analysis of the programme of the German Social Democrats. After Marx's death in 1883 Engels edited the copious manuscripts left behind into the second and third volumes of *Capital*, but it was not until the beginning of the twentieth century that *Theories of Surplus Value* was published, and indeed later still (the 1930s) before important early works such as the *Economic and Philosophical Manuscripts* and *The German Ideology* emerged to recast the understanding of Marx and Marxism.

The Economic and Philosophical Manuscripts was the first substantive political work produced by Marx, although it was not actually published until 1932. Along with *The German Ideology*, it sets out Marx's position on the interdependence of politics, economics and history – a perspective which has become known as the materialist conception of history. These ideas are fleshed out in detail in the former work, whilst the *Economic and Philosophical Manuscripts* is mainly notable for the critique of Hegelian philosophy, an outline of Marx's ideas on private property and the political economy of capitalism, and the idea of alienation or 'estrangement' (the focus of the extract included here). Alienation was the concept Marx developed to explain the negative impact on humanity of the conditions of labour in capitalist societies. Marx regards labour as the source of all wealth, and, in capitalist societies, labour becomes a commodity on the market. Within this paradigm a situation develops where human relations become reduced to money relations, and we encounter the objectivisation and commodification of labour.

Marx argues that there are three main forms of alienation. Firstly, he reasons that work becomes estranged from its product, so that the actual products of labour appear as externalised objects to the worker. Thus the product of labour in no way reflects sovereign human creativity or the efforts that went into the process of production, and the product has power over the worker. Secondly, the worker becomes estranged from the work itself, due to the exterior nature of the activity. In this second sense, we see self-estrangement, because work itself becomes alien and not a source of creativity or identity. Thirdly, labour in capitalist societies leads to the estrangement of workers from their species-being, in the sense that individuals become isolated from their essential natural being. Thus the capitalist system alienates individuals from the world around them and reduces the capacity for people to act in accordance with natural creativity and productive activity. Under

these forms of alienation, humans become mere tools of the economic regime, and common bonds and shared concerns are decimated. Individuals become a means to an end and are treated as such by other humans. Importantly, although Marx is aware that alienation may be evident in a range of social phenomena (e.g. religion), the cause of that alienation is primarily economic and is grounded within the labour process in capitalist societies – an argument which has led to criticism that Marx's perspective is essentially economically determinist. For Marx, though, it was only through the replacement of a society premised on private property by one of a truly communal nature that this estrangement could be overcome, and the productive life of humans could be returned to them. This, then, was the process whereby individuals could establish their 'social relationships, the nexus of reciprocity which binds them together' (Colletti 1992: 54).

The Communist Manifesto, published in 1848, was commissioned by the Communist League. Although it is a slim volume, it has become the most widely read introduction to the work of Marx and Engels. The book represented an attempt to apply a dialectical materialist conception of history, whereby the proletarian revolution and, ultimately, communism would emerge from the adversarial relationship between the bourgeoisie and the proletariat under capitalism. For Marx and Engels, this is part of a process in which 'the history of all society up to now is the history of class struggles' (Marx and Engels 1985: 79). In this scenario the collapse of capitalism was inevitable, because the historical dynamic which propelled the economic system necessarily contained the seeds of downfall. In other words, capitalism was reliant upon the subjugation of the proletariat, and so created its own gravediggers. Despite this, Marx and Engels believed that the process of transformation was far from simple, as the powers of the bourgeoisie were deeply entrenched throughout society and were dispersed beyond the economic sphere alone. This was reflected, for example, in the activities of the state, which had to be overcome because 'the executive of the modern state is but a committee for managing the common affairs of the whole bourgeoisie' (Marx and Engels 1985: 82).

According to Marx and Engels, the historical inevitability of proletarian revolution was grounded in the notion of class polarisation. The dynamic of capitalism created conditions in which the exploitation of the proletariat by the bourgeoisie was constantly increasing. Such would be the extent of degradation that the proletariat would come together as an active revolutionary class and enforce the removal of the bourgeoisie and the capitalist state. However, this would not bring about communism immediately. There would need to be a period in which the proletariat would commandeer the institutions of the state and set up a short phase of socialism during which private property would be abolished. Having created a classless society through the eradication of private property, the state would wither away, and a communist society would come into being.

Clearly the *Manifesto* was a brief but powerful polemic, and many of the arguments it puts forward are derided today. Nonetheless, if one can look beyond the prophetic element of the book, there are key lessons that it can teach us about

modern societies. For example, there is the idea that historical transition is always afoot, and therefore it is foolish to analyse social and economic conditions as if they are in some sort of state of permanence. Moreover, there is also the claim that political and economic change are features of long-term processes which may or may not be immediately apparent (Hobsbawm 1998: 5). In this sense, *The Communist Manifesto* is not just an outline of a revolutionary Big Bang but a considered examination of the historical processes which can bring about change. It remains a seminal piece of writing that helps to explain Marx's ideas on historical and political development.

The developed form of Marx's economic thinking is set out in the three volumes of *Capital*. Marx can be seen to develop ideas of value derived from Smith and Ricardo, on the one hand, and from earlier German thinking, on the other (see Biernacki 1995). Like Smith, Ricardo and (later) Marshall, he maintains that the exchange value (price) of commodities is derived from the labour expended in their creation. Unlike Smith and Ricardo, however, he does not simply identify exchange value with labour expended. If the exchange value of a product were equivalent to the exchange value of the labour purchased to produce it, then capitalists could not make a profit, since they would only receive from the sale of the product what it cost to produce. Marx argues instead that, under the political, social and market constraints of capitalism, workers sell their labour power or their potential for labour (what Marx calls variable capital, which is usually expressed in terms of expenditure on wages) to owners of fixed capital (raw materials and machinery) in exchange for the means necessary for their and their families' physical reproduction. The state of the labour market almost guarantees that they will sell their labour power at about this level. Through the use of machinery, coercion and the law, however, the capitalist is able to use the labour power sold by the worker to produce far more exchange value than is needed for the worker's upkeep. He is thus able to extract surplus value from the bargain. His profits depend on the ratio between surplus value and the fixed capital employed in a process.

According to Marx, fixed capital itself embodies labour power, and – although it can be used to make the production of further exchange values more efficient, and the worker more productive – the labour power employed in its creation can only create surplus value once. It cannot do so again in the process in which it is used – for example, in the form of machinery – to create further surplus value through the employment of new labour power. Thus, although machinery may enable a capitalist to exploit workers more efficiently through increasing the productivity of their labour, it is itself 'dead' so far as directly creating further surplus value is concerned. This implies that there is a tendency for the rate of profit to decline as the capitalisation of any process increases, unless the decline is offset by an increase in labour productivity.

This comes about as follows. Surplus value accrues from the extra labour power available to the capitalist from his unequal bargain with the worker. The *quantity* of surplus value is the amount of labour power bought, minus the cost of its reproduction. So, if a capitalist buys 10 hours of labour power for a day at a cost

of £5, and labour power is reproduced in 5 hours at a cost of £5, then the capitalist has five hours of surplus value still available to him, which may be worth £5. Then the *rate* of surplus value is the *ratio* of surplus value to wages expended. So, if a capitalist makes £100 surplus value on a wage bill of £100, the rate of surplus value is the ratio:

$$\frac{\text{£100}}{\text{£100,}} \quad \text{or } 100\%$$

However, the rate of *profit* is the ratio of surplus value to total capital expended. In the example, if the variable capital (wages) is £100 and the fixed capital (raw material and machinery) is £400, then the rate of profit is:

$$\frac{\text{£100}}{\text{£500,}} \quad \text{or } 20\%$$

It is not difficult to see that if 20% more capital – consisting of £100 worth of extra machinery – is employed (i.e. £600), and the rate of surplus value goes up to 110% (an increase of 10%), then the new rate of profit will be:

$$\frac{\text{£110}}{\text{£600,}} \quad \text{or } 18.33\%$$

The rate of profit has thus declined, even though the rate of surplus value has increased. Unless productivity constantly matches the employment of fixed capital, there is a tendency towards a declining rate of profit, which will eventually lead to the collapse of capitalism. It is no solution to employ less fixed capital, since in conditions of competition between capitalists the only way for an individual capitalist to survive is to increase efficiency by increasing productivity, which means increasing the rate of surplus value. The only sure way that this can be done in the long term is through the use of more fixed capital and, in particular, machinery.

Marx's account of the workings of capitalism has been much criticised. It is, for example, argued that one cannot account for value, and hence prices, through the cost of labour power alone: one needs to take into account market variations in price due to supply and demand. Marx tries to avoid this conclusion by arguing that when there is an excess of supply over demand the *socially necessary labour time* needed to produce a commodity declines, and so therefore does the price. But this manoeuvre works by confusing two different (though related) concepts: first, the amount of labour time required to produce an individual commodity (which the theory was originally designed to explain), and, second, the amount of labour

time required to satisfy a given aggregate demand. When the aggregate demand for a commodity is low, it is obvious that less total labour time will be required to satisfy it. But the use of the notion of socially necessary labour time is merely a disguised way of expressing the idea of total labour time needed to satisfy a given demand. Thus, the idea of demand is smuggled into the idea of value expressed as a function of labour time (see, for example, Marx [1894] 1981: 779–80).

It is arguable that Marx did not need to resort to such devices in order to save his theory. He could have adopted Marshall's reconciliation of labour and supply/demand theories of pricing by arguing that in the *long term* prices reflected the cost of labour power, while in the *short term* they were sensitive to fluctuations in demand. Indeed Marx's own theories depend crucially on an account of the relatively low cost of labour power in a situation where the buyer (the capitalist) is at an advantage in the marketplace for labour. More damaging is the criticism (see Marshall [1890] 1920, book VI, ch. VI) that the price of a commodity is also composed of fees of management, interest and a risk premium for the employment of capital in conditions of uncertainty. Marx, in effect, is accused of ignoring factors governing price which do not suit his polemical purpose of showing that the workers are always and everywhere exploited. Once again, it is possible to concede the justice of these criticisms but still to maintain that there is a kernel of truth in Marx's account. For it is by no means certain that price will always consist of the cost of reproduction of labour power + interest + earnings of management, together with a possible short-term premium in a sellers' market. Market conditions may be such that workers are forced to sell their labour power at subsistence levels, are forced to work a very long day, or are forced to work in very intensive conditions. Indeed, it is arguable that, in conditions where capital is not readily available, enterprises can only expand through this kind of excessive exploitation of the labour force (Hutton 1996). Marxists can also argue that earnings of management is a concept so elastic as to incorporate within its folds quite considerable profits based on the exploitation of non-managerial labour power. In conclusion, Marx may be justly accused of oversimplification in his description of the 'laws of motion' of capitalism. He cannot, though, be accused of lacking crucial insights into how our economic system works.

Marx provided a fairly original brand of political theorising – one that forged a concern with history, philosophy, sociology and political economy. It is worthwhile to compare Marx's ideas with those of some of the other authors covered in this volume – for instance, to compare his economic ideas with those of the classical political economists who were the subject of his analysis, such as Smith (also covered in this volume). Whilst the labour theory of value characterises Marx's economic thinking, it is important to recognise how it developed out of his engagement with the work of Smith and Ricardo. It is also interesting to contrast Marx's focus on the economic origins of inequality (and therefore the economic methods of alleviating them) with that of liberals concerned with inequality, such as Paine and the Levellers, who suggested that there were political means of compensating people for the inequalities that they experienced. Indeed, many of

the debates that have characterised modern political theory since Marx's era have been bound within the parameters of this dispute over whether the problems and inequalities generated by modern capitalist societies can be moderated through liberal democratic legislative measures, or whether more radical economic changes, such as those espoused by Marx, are the only means of rectification.

With the 150th anniversary of the publication of *The Communist Manifesto* in 1998, there has been much restatement of the contemporary relevance of Marx's thought. Whilst the prophetic element of Marx's thinking and the political regimes which were set up in his name long after his death have frequently been the focus of dismissive criticism, Marx clearly remains a crucial figure in modern politics (not least because millions of people still live under socialist regimes). Few of the issues that inspired Marx's critique of capitalism have disappeared. There remain in the world significant inequalities and disparities of power which owe much to the nature of globalised capitalism. Moreover, debates continue apace about the impact of technological developments on human life and the nature of the world of work. Indeed many of the questions raised in *The Communist Manifesto* remain unanswered over 150 years later (Hobsbawm 1998). In this sense, both the strengths and the weaknesses of Marx's work present us with the exemplar of what we in the present can garner from work in the past. Thus the study of Marx provides continued instruction in understanding the direction of capitalism today, long after his death.

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EXTRACT FROM KARL MARX, *ECONOMIC AND PHILOSOPHIC MANUSCRIPTS OF 1844*

Estranged Labour

We have proceeded from the premises of political economy. We have accepted its language and its laws. We presupposed private property, the separation of labour, capital and land, and of wages, profit of capital and rent of land – likewise division of labour, competition, the concept of exchange-value, etc. On the basis of political economy itself, in its own words, we have shown that the worker sinks to the level of a commodity and becomes indeed the most wretched of commodities; that the wretchedness of the worker is in inverse proportion to the power and magnitude of his production; that the necessary result of competition is the accumulation of capital in a few hands, and thus the restoration of monopoly in a more terrible form; and that finally the distinction between capitalist and land rentier, like that between the tiller of the soil and the factory worker, disappears and that the whole of society must fall apart into the two classes – the property *owners* and the propertyless *workers*.

Political economy starts with the fact of private property, but it does not explain it to us. It expresses in general, abstract formulas the *material* process through which private property actually passes, and these formulas it then takes for *laws*. It does not *comprehend* these laws, i.e., it does not demonstrate how they arise from the very nature of private property. Political economy does not disclose the source of the division between labour and

capital, and between capital and land. When, for example, it defines the relationship of wages to profit, it takes the interest of the capitalists to be the ultimate cause, i.e., it takes for granted what it is supposed to explain. Similarly, competition comes in everywhere. It is explained from external circumstances. As to how far these external and apparently accidental circumstances are but the expression of a necessary course of development, political economy teaches us nothing. We have seen how exchange itself appears to it as an accidental fact. The only wheels which political economy sets in motion are *greed* and the war amongst the *greedy* – *competition*.

Precisely because political economy does not grasp the way the movement is connected, it was possible to oppose, for instance, the doctrine of competition to the doctrine of monopoly, the doctrine of the freedom of the crafts to the doctrine of the guild, the doctrine of the division of landed property to the doctrine of the big estate – for competition, freedom of the crafts and the division of landed property were explained and comprehended only as accidental, premeditated and violent consequences of monopoly, of the guild system, and of feudal property, not as their necessary, inevitable and natural consequences.

Now, therefore, we have to grasp the essential connection between private property, greed, and the separation of labour, capital and landed property; between exchange and competition, value and the devaluation of men, monopoly and competition, etc. – the connection between this whole estrangement and the *money* system.

Do not let us go back to a fictitious primordial condition as the political economist does, when he tries to explain. Such a primordial condition explains nothing; it merely pushes the question away into a grey nebulous distance. It assumes in the form of a fact, of an event, what the economist is supposed to deduce – namely, the necessary relationship between two things between, for example, division of labour and exchange. Theology in the same way explains the origin of evil by the fall of man; that is, it assumes as a fact, in historical form, what has to be explained.

We proceed from an economic fact *of the present*.

The worker becomes all the poorer the more wealth he produces, the more his production increases in power and size. The worker becomes an ever cheaper commodity – the more commodities he creates. With the *increasing value* of the world of things proceeds in direct proportion the *devaluation* of the world of men. Labour produces not only commodities: it produces itself and the worker as a *commodity* – and this in the same general proportion in which it produces commodities.

This fact expresses merely that the object which labour produces – labour's product – confronts it as *something alien*, as a power *independent* of the producer. The product of labour is labour which has been embodied in an object, which has become material: it is the *objectification* of labour. Labour's realization is its objectification. In the sphere of political economy this realization of labour appears as a *loss of realization* for the workers; objectification as *loss of the object* and *bondage to it*; appropriation as *estrangement*, as *alienation*.

So much does labour's realization appear as loss of realization that the worker loses realization to the point of starving to death. So much does objectification appear as loss of the object that the worker is robbed of the objects most necessary not only for his life but for his work. Indeed, labour itself becomes an object which he can obtain only with the greatest effort and with the most irregular interruptions. So much does the appropriation of the object appear as estrangement that the more objects the worker produces the less he can possess and the more he falls under the sway of his product, capital.

All these consequences result from the fact that the worker is related to the product of his labour as to an alien object. For on this premise it is clear that the more the worker spends himself, the more powerful becomes the alien world of objects which he creates over and against himself, the poorer he himself – his inner world – becomes, the less belongs to him as his own. It is the same in religion. The more man puts into God, the less he retains in himself. The worker puts his life into the object; but now his life no longer belongs to him but to the object. Hence, the greater this activity, the greater is the worker's lack of objects. Whatever the product of his labour is, he is not. Therefore the greater this product, the less he is himself. The *alienation* of the worker in his product means not only that his labour becomes an object, an *external* existence, but that it exists *outside* him, independently, as something alien to him, and that it becomes a power on its own confronting him. It means that the life which he has conferred on the object confronts him as something hostile and alien.

Let us now look more closely at the *objectification*, at the production of the worker; and in it at the estrangement, the loss of the object, of his product.

The worker can create nothing without *nature*, without the *sensuous external world*. It is the material on which his labour is realized, in which it is active, from which and by means of which it produces.

But just as nature provides labour with the *means of life* in the sense that labour cannot live without objects on which to operate, on the other hand, it also provides the *means of life* in the more restricted sense, i.e., the means for the physical subsistence of the *worker* himself.

Thus the more the worker by his labour *appropriates* the external world, hence sensuous nature, the more he deprives himself of *means of life* in a double manner: first, in that the sensuous external world more and more ceases to be an object belonging to his labour – to be his labour's *means of life*; and secondly, in that it more and more ceases to be *means of life* in the immediate sense, means for the physical subsistence of the worker.

In both respects, therefore, the worker becomes a slave of his object, first, in that he receives an *object of labour*, i.e., in that he receives *work*; and secondly, in that he receives *means of subsistence*. Therefore, it enables him to exist, first, as a *worker*; and, second as a *physical subject*. The height of this bondage is that it is only as a *worker* that he continues to maintain himself as a *physical subject*, and that it is only as a physical subject that he is a *worker*.

Political economy conceals the estrangement inherent in the nature of labour by not considering the direct relationship between the worker (labour) and production. It is true that

labour produces for the rich wonderful things – but for the worker it produces privation. It produces palaces – but for the worker, hovels. It produces beauty – but for the worker, deformity. It replaces labour by machines, but it throws a section of the workers back to a barbarous type of labour, and it turns the other workers into machines. It produces intelligence – but for the worker stupidity, cretinism.

The direct relationship of labour to its products is the relationship of the worker to the objects of his production. The relationship of the man of means to the objects of production and to production itself is only a *consequence* of this first relationship – and confirms it. We shall consider this other aspect later.

When we ask, then, what is the essential relationship of labour we are asking about the relationship of the *worker* to production.

Till now we have been considering the estrangement, the alienation of the worker only in one of its aspects, i.e., the worker's relationship to the products of his labour. But the estrangement is manifested not only in the result but in the act of production, within the producing activity. How could the worker come to face the product of his activity as a stranger, were it not that in the very act of production he was estranging himself from himself? The product is after all but the summary of the activity, of production. If then the product of labour is alienation, production itself must be active alienation, the alienation of activity, the activity of alienation. In the estrangement of the object of labour is merely summarized the estrangement, the alienation, in the activity of labour itself.

What, then, constitutes the alienation of labour?

First, the fact that labour is *external* to the worker, i.e., it does not belong to his essential being: that in his work, therefore, he does not affirm himself but denies himself, does not feel content but unhappy, does not develop freely his physical and mental energy but mortifies his body and ruins his mind. The worker therefore only feels himself outside his work, and in his work feels outside himself. He is at home when he is not working, and when he is working he is not at home. His labour is therefore not voluntary but coerced; it is *forced* labour. It is therefore not the satisfaction of a need; it is merely a *means* to satisfy needs external to it. Its alien character emerges clearly in the fact that as soon as no physical or other compulsion exists, labour is shunned like the plague. External labour, labour in which man alienates himself, is a labour of self-sacrifice, of mortification. Lastly, the external character of labour for the worker appears in the fact that it is not his own, but someone else's, that it does not belong to him, that in it he belongs, not to himself, but to another. Just as in religion the spontaneous activity of the human imagination, of the human brain and the human heart, operates independently of the individual – that is, operates on him as an alien, divine or diabolical activity – so is the worker's activity not his spontaneous activity. It belongs to another; it is the loss of his self.

As a result, therefore, man (the worker) only feels himself freely active in his animal functions – eating, drinking, procreating, or at most in his dwelling and in dressing-up, etc.; and in his human functions he no longer feels himself to be anything but an animal. What is animal becomes human and what is human becomes animal.

Certainly eating, drinking, procreating, etc., are also genuinely human functions. But abstractly taken, separated from the sphere of all other human activity and turned into sole and ultimate ends, they are animal functions.

We have considered the act of estranging practical human activity, labour, in two of its aspects. (1) The relations of the worker to the *product of labour* as an alien object exercising power over him. This relation is at the same time the relation to the sensuous external world, to the objects of nature, as an alien world inimically opposed to him. (2) The relation of labour to the *act of production* within the *labour* process. This relation is the relation of the worker to his own activity as an alien activity not belonging to him; it is activity as suffering, strength as weakness, begetting as emasculating, the worker's *own* physical and mental energy, his personal life indeed, what is life but activity? – as an activity which is turned against him, independent of him and not belonging to him. Here we have *self-estrangement*, as previously we had the estrangement of the *thing*.

We have still a third aspect of *estranged labour* to deduce from the two already considered.

Man is a species being, not only because in practice and in theory he adopts the species as his object (his own as well as those of other things), but – and this is only another way of expressing it – also because he treats himself as the actual, living species; because he treats himself as a *universal* and therefore a free being.

The life of the species, both in man and in animals, consists physically in the fact that man (like the animal) lives on inorganic nature; and the more universal man is compared with an animal, the more universal is the sphere of inorganic nature on which he lives. Just as plants, animals, stones, air, light, etc., constitute theoretically a part of human consciousness, partly as objects of natural science, partly as objects of art – his spiritual inorganic nature, spiritual nourishment which he must first prepare to make palatable and digestible – so also in the realm of practice they constitute a part of human life and human activity. Physically man lives only on these products of nature, whether they appear in the form of food, heating, clothes, a dwelling, etc. The universality of man appears in practice precisely in the universality which makes all nature his *inorganic* body – both inasmuch as nature is (1) his direct means of life, and (2) the material, the object, and the instrument of his life activity. Nature is man's *inorganic* body – nature, that is, in so far as it is not itself the human body. Man *lives* on nature – means that nature is his *body*; with which he must remain in continuous interchange if he is not to die. That man's physical and spiritual life is linked to nature means simply that nature is linked to itself, for man is a part of nature.

In estranging from man (1) nature, and (2) himself, his own active functions, his life activity, estranged labour estranges the *species* from man. It changes for him the *life of the species* into a means of individual life. First it estranges the life of the species and individual life, and secondly it makes individual life in its abstract form the purpose of the life of the species, likewise in its abstract and estranged form.

Indeed, labour, *life-activity*, *productive life* itself, appears in the first place merely as a *means* of satisfying a need – the need to maintain physical existence. Yet the productive life is the life of the species. It is life-engendering life. The whole character of a species – its species character – is contained in the character of its life activity; and free, conscious activity is man's species character. Life itself appears only as a *means to life*.

The animal is immediately one with its life activity. It does not distinguish itself from it. It is *its life activity*. Man makes his life activity itself the object of his will and of his consciousness. He has conscious life activity. It is not a determination with which he directly merges. Conscious life activity distinguishes man immediately from animal life activity. It is just because of this that he is a species being. Or rather, it is only because he is a species being that he is a conscious being, i.e., that his own life is an object for him. Only because of that is his activity free activity. Estranged labour reverses this relationship, so that it is just because man is a conscious being that he makes his life activity, his *essential* being, a mere means to his *existence*.

In creating a *world of objects* by his practical activity, in his work upon inorganic nature, man proves himself a conscious species being, i.e., as a being that treats the species as its own essential being, or that treats itself as a species being. Admittedly animals also produce. They build themselves nests, dwellings, like the bees, beavers, ants, etc. But an animal only produces what it immediately needs for itself or its young. It produces one-sidedly, whilst man produces universally. It produces only under the dominion of immediate physical need, whilst man produces even when he is free from physical need and only truly produces in freedom therefrom. An animal produces only itself, whilst man reproduces the whole of nature. An animal's product belongs immediately to its physical body, whilst man freely confronts his product. An animal forms things in accordance with the standard and the need of the species to which it belongs, whilst man knows how to produce in accordance with the standard of every species, and knows how to apply everywhere the inherent standard to the object. Man therefore also forms things in accordance with the laws of beauty.

It is just in his work upon the objective world, therefore, that man first really proves himself to be a *species being*. This production is his active species life. Through and because of this production, nature appears as *his* work and his reality. The object of labour is, therefore, the *objectification of man's species life*: for he duplicates himself not only, as in consciousness, intellectually, but also actively, in reality, and therefore he contemplates himself in a world that he has created. In tearing away from man the object of his production, therefore, estranged labour tears from him his species life, his real objectivity as a member of the species and transforms his advantage over animals into the disadvantage that his inorganic body, nature, is taken away from him.

Similarly, in degrading spontaneous, free, activity, to a means, estranged labour makes man's species life a means to his physical existence.

The consciousness which man has of his species is thus transformed by estrangement in such a way that species life becomes for him a means.

Estranged labour turns thus:

(3) *Man's species being*, both nature and his spiritual species property, into a being *alien* to him, into a *means* to his *individual existence*. It estranges from man his own body, as well as external nature and his spiritual essence, his *human being*.

(4) An immediate consequence of the fact that man is estranged from the product of his labour, from his life activity, from his species being is the *estrangement of man* from *man*. When man confronts himself, he confronts the *other man*. What applies to a man's relation to his work, to the product of his labour and to himself, also holds of a man's relation to the other man, and to the other man's labour and object of labour.

In fact, the proposition that man's species nature is estranged from him means that one man is estranged from the other, as each of them is from man's essential nature. [...]

This exposition immediately sheds light on various hitherto unsolved conflicts.

(1) Political economy starts from labour as the real soul of production; yet to labour it gives nothing, and to private property everything. Confronting this contradiction, Proudhon has decided in favour of labour against private property. We understand, however, that this apparent contradiction is the contradiction of *estranged labour* with itself, and that political economy has merely formulated the laws of estranged labour.

We also understand, therefore, that *wages and private property* are identical: since the product, as the object of labour pays for labour itself, therefore the wage is but a necessary consequence of labour's estrangement. After all, in the wage of labour, labour does not appear as an end in itself but as the servant of the wage. We shall develop this point later, and meanwhile will only derive some conclusions.

An enforced increase of wages (disregarding all other difficulties, including the fact that it would only be by force, too, that higher wages, being an anomaly, could be maintained) would therefore be nothing but *better payment for the slave*, and would not win either for the worker or for labour their human status and dignity.

Indeed, even the *equality of wages* demanded by Proudhon only transforms the relationship of the present-day worker to his labour into the relationship of all men to labour. Society is then conceived as an abstract capitalist.

Wages are a direct consequence of estranged labour, and estranged labour is the direct cause of private property. The downfall of the one must involve the downfall of the other.

(2) From the relationship of estranged labour to private property it follows further that the emancipation of society from private property, etc., from servitude, is expressed in the *political* form of the *emancipation of the workers*; not that *their* emancipation alone is at stake, but because the emancipation of the workers contains universal human emancipation – and it contains this, because the whole of human servitude is involved in the relation of the worker to production, and every relation of servitude is but a modification and consequence of this relation.

Just as we have derived the concept of *private property* from the concept of *estranged*,

alienated labour by *analysis*, so we can develop every *category* of political economy with the help of these two factors; and we shall find again in each category, e.g., trade, competition, capital, money, only a *definite* and *developed expression* of these first elements.

EXTRACT FROM KARL MARX AND FRIEDRICH ENGELS, *MANIFESTO OF THE COMMUNIST PARTY*

A spectre is haunting Europe – the spectre of Communism. All the Powers of old Europe have entered into a holy alliance to exorcise this spectre; Pope and Czar, Metternich and Guizot, French Radicals and German police-spies.

Where is the party in opposition that has not been decried as communistic by its opponents in power? Where the Opposition that has not hurled back the branding reproach of Communism, against the more advanced opposition parties, as well as against its reactionary adversaries?

Two things result from this fact.

- I Communism is already acknowledgment by all European Powers to be itself a Power.
- II It is high time that Communists should openly, in the whole world, publish their views, their aims, their tendencies, and meet this nursery tale of the Spectre of Communism with a Manifesto of the party itself. To this end, Communists of various nationalities have assembled in London, and sketched the following manifesto, to be published in the English, French, German, Italian, Flemish and Danish languages.

I. Bourgeois and Proletarians

The history of all hitherto existing society is the history of class struggles. Freeman and slave, patrician and plebeian, lord and serf, guild-master and journeyman, in a word, oppressor and oppressed, stood in constant opposition to one another, carried on an uninterrupted, now hidden, now open fight, a fight that each time ended, either in a revolutionary reconstitution of society at large, or in the common ruin of the contending classes.

In the earlier epochs of history, we find almost everywhere a complicated arrangement of society into various orders, a manifold gradation of social rank. In ancient Rome we have patricians, knights, plebeians, slaves; in the middle ages, feudal lords, vassals, guild-masters, journeymen, apprentices, serfs; in almost all of these classes, again, subordinate gradations.

The modern bourgeois society that has sprouted from the ruins of feudal society, has not done away with class antagonisms. It has but established new classes, new conditions of oppression, new forms of struggle in place of the old ones.

Our epoch, the epoch of the bourgeoisie, possesses, however, this distinctive feature; it has simplified the class antagonisms. Society as a whole is more and more splitting up into

two great hostile camps, into two great classes directly facing each other: Bourgeoisie and Proletariat.

From the serfs of the middle ages sprang the chartered burghers of the earliest towns. From these burgesses the first elements of the bourgeoisie were developed.

The discovery of America, the rounding of the Cape, opened up fresh ground for the rising bourgeoisie. The East-Indian and Chinese markets, the colonisation of America, trade with the colonies, the increase in the means of exchange and in commodities generally, gave to commerce, to navigation, to industry, an impulse never before known, and thereby, to the revolutionary element in the tottering feudal society, a rapid development.

The feudal system of industry, under which industrial production was monopolised by close guilds, now no longer sufficed for the growing wants of the new markets. The manufacturing system took its place. The guild-masters were pushed on one side by the manufacturing middle-class; division of labour between the different corporate guilds vanished in the face of division of labour in each single workshop.

Meantime the markets kept ever growing, the demand ever rising. Even manufacture no longer sufficed. Thereupon, steam and machinery revolutionised industrial production. The place of manufacture was taken by the giant, Modern Industry, the place of the industrial middle-class, by industrial millionaires, the leaders of industrial armies, the modern bourgeois.

Modern Industry has established the world-market, for which the discovery of America paved the way. This market has given an immense development to commerce, to navigation, to communication by land. This development has, in its turn, reacted on the extension of industry; and in proportion as industry, commerce, navigation, railways extended, in the same proportion the bourgeoisie developed, increased its capital, and pushed into the background every class handed down from the Middle Ages.

We see, therefore, how the modern bourgeoisie is itself the product of a long course of development, of a series of revolutions in the modes of production and of exchange.

Each step in the development of the bourgeoisie was accompanied by a corresponding political advance of that class. An oppressed class under the sway of the feudal nobility, an armed and self-governing association in the mediaeval commune, here independent urban republic (as in Italy and Germany), there taxable 'third estate' of the monarchy (as in France), afterwards, in the period of manufacture proper, serving either the semi-feudal or the absolute monarchy as a counterpoise against the nobility, and, in fact, corner stone of the great monarchies in general, the bourgeoisie has at last, since the establishment of Modern Industry and of the world-market, conquered for itself, in the modern representative State, exclusive political sway. The executive of the modern State is but a committee for managing the common affairs of the whole bourgeoisie.

The bourgeoisie, historically, has played a most revolutionary part.

The bourgeoisie, wherever it has got the upper hand, has put an end to all feudal,

patriarchal, idyllic relations. It has pitilessly torn asunder the motley feudal ties that bound man to his 'natural superiors', and has left remaining no other nexus between man and man than naked self-interest, than callous 'cash payment'. It has drowned the most heavenly ecstasies of religious fervour, of chivalrous enthusiasm, of philistine sentimentalism, in the icy water of egotistical calculation. It has resolved personal worth into exchange value, and in place of the numberless indefeasible chartered freedoms, has set up that single, unconscionable freedom – Free Trade. In one word, for exploitation, veiled by religious and political illusions, it has substituted naked, shameless, direct, brutal exploitation.

The bourgeoisie has stripped of its halo every occupation hitherto honoured and looked up to with reverent awe. It has converted the physician, the lawyer, the priest, the poet, the man of science, into its paid wage-labourers.

The bourgeoisie has torn away from the family its sentimental veil, and has reduced the family relation to a mere money relation.

The bourgeoisie has disclosed how it came to pass that the brutal display of vigour in the Middle Ages, which Reactionists so much admire, found its fitting complement in the most slothful indolence. It has been the first to show what man's activity can bring about. It has accomplished wonders far surpassing Egyptian pyramids, Roman aqueducts, and Gothic cathedrals; it has conducted expeditions that put in the shade all former Exoduses of nations and crusades.

The bourgeoisie cannot exist without constantly revolutionising the instruments of production, and thereby the relations of production, and with them the whole relations of society. Conservation of the old modes of production in unaltered form, was, on the contrary, the first condition of existence for all earlier industrial classes. Constant revolutionising of production, uninterrupted disturbance of all social conditions, everlasting uncertainty and agitation distinguish the bourgeois epoch from all earlier ones. All fixed, fast-frozen relations, with their train of ancient and venerable prejudices and opinions, are swept away, all new-formed ones become antiquated before they can ossify. All that is solid melts into air, all that is holy is profaned, and man is at last compelled to face with sober senses, his real conditions of life, and his relations with his kind.

The need of a constantly expanding market for its products chases the bourgeoisie over the whole surface of the globe. It must nestle everywhere, settle everywhere, establish connexions everywhere.

The bourgeoisie has through its exploitation of the world-market given a cosmopolitan character to production and consumption in every country. To the great chagrin of Reactionists, it has drawn from under the feet of industry the national ground on which it stood. All old-established national industries have been destroyed or are daily being destroyed. They are dislodged by new industries, whose introduction becomes a life and death question for all civilised nations, by industries that no longer work up indigenous raw material, but raw material drawn from the remotest zones; industries whose products are consumed, not only at home, but in every quarter of the globe. In place of the old wants, satisfied by the productions of the country, we find new wants, requiring for their satisfaction the products

of distant lands and climes. In place of the old local and national seclusion and self-sufficiency, we have intercourse in every direction, universal inter-dependence of nations. And as in material, so also in intellectual production. The intellectual creations of individual nations become common property. National one-sidedness and narrow-mindedness become more and more impossible, and from the numerous national and local literatures, there arises a world literature.

The bourgeoisie, by the rapid improvement of all instruments of production, by the immensely facilitated means of communication, draws all, even the most barbarian, nations into civilisation. The cheap prices of its commodities are the heavy artillery with which it batters down all Chinese walls, with which it forces the barbarians' intensely obstinate hatred of foreigners to capitulate. It compels all nations, on pain of extinction, to adopt the bourgeois mode of production; it compels them to introduce what it calls civilisation into their midst, i.e., to become bourgeois themselves. In one word, it creates a world after its own image.

The bourgeoisie has subjected the country to the rule of towns. It has created enormous cities, has greatly increased the urban population as compared with the rural, and has thus rescued a considerable part of the population from the idiocy of rural life. Just as it has made the country dependent on towns, so it has made barbarian and semi-barbarian countries dependent on the civilised ones, nations of peasants on nations of bourgeois, the East on the West.

The bourgeoisie keeps more and more doing away with the scattered state of the population, of the means of production, and of property. It has agglomerated population, centralised means of production, and has concentrated property in a few hands. The necessary consequence of this was political centralisation. Independent, or but loosely connected provinces, with separate interests, laws, governments and systems of taxation, became lumped together into one nation, with one government, one code of laws, one national class-interest, one frontier and one customs-tariff.

The bourgeoisie, during its rule of scarce one hundred years, has created more massive and more colossal productive forces than have all preceding generations together. Subjection of Nature's forces to man, machinery, application of chemistry to industry and agriculture, steam-navigation, railways, electric telegraphs, clearing of whole continents for ground – what earlier century had even a presentiment that such productive forces slumbered in the lap of social labour?

We see then: the means of production and of exchange on whose foundation the bourgeoisie built itself up, were generated in feudal society. At a certain stage in the development of these means of production and exchange, the conditions under which feudal society produced and exchanged, the feudal organisation of agriculture and manufacturing industry, in one word, the feudal relations of property became no longer compatible with the already developed productive forces; they became so many fetters. They had to be burst asunder; they were burst asunder.

Into their place stepped free competition, accompanied by a social and political

constitution adapted to it, and by the economical and political sway of the bourgeois class.

A similar movement is going on before our own eyes. Modern bourgeois society with its relations of production, of exchange and of property, a society that has conjured up such gigantic means of production and of exchange, is like the sorcerer, who is no longer able to control the powers of the nether world whom he has called up by his spells. For many a decade past the history of industry and commerce is but the history of the revolt of modern productive forces against modern conditions of production, against the property relations that are the conditions for the existence of the bourgeoisie and of its rule. It is enough to mention the commercial crises that by their periodic return put on its trial, each time more threateningly, the existence of the entire bourgeois society. In these crises a great part not only of the existing products, but also of the previously created productive forces, are periodically destroyed. In these crises there breaks out an epidemic that, in all earlier epochs, would have seemed an absurdity – the epidemic of over-production. Society suddenly finds itself put back into a state of momentary barbarism; it appears as if a famine, a universal war of devastation had cut off the supply of every means of subsistence: industry and commerce seem to be destroyed; and why? Because there is too much civilisation, too much means of subsistence, too much industry, too much commerce. The productive forces at the disposal of society no longer tend to further the development of the conditions of bourgeois property; on the contrary, they have become too powerful for these conditions, by which they are fettered, and so soon as they overcome these fetters, they bring disorder into the whole of bourgeois society, endanger the existence of bourgeois property. The conditions of bourgeois society are too narrow to comprise the wealth created by them. And how does the bourgeoisie get over these crises? On the one hand by enforced destruction of a mass of productive forces; on the other, by the conquest of new markets, and by the more thorough exploitation of the old ones. That is to say, by paving the way for more extensive and destructive crises, and by diminishing the means whereby crises are prevented.

The weapons with which the bourgeoisie felled feudalism to the ground are now turned against the bourgeoisie itself.

But not only has the bourgeoisie forged the weapons that bring death to itself; it has also called into existence the men who are to wield those weapons – the modern working class – the proletarians.

In proportion as the bourgeoisie, i.e., capital, is developed, in the same proportion is the proletariat, the modern working-class, developed, a class of labourers, who live only so long as they find work, and who find work only so long as their labour increases capital. These labourers, who must sell themselves piecemeal, are a commodity, like every other article of commerce, and are consequently exposed to all the vicissitudes of competition, to all the fluctuations of the market.

Owing to the extensive use of machinery and to division of labour, the work of the proletarians has lost all individual character, and, consequently, all charm for the workman.

He becomes an appendage of the machine, and it is only the most simple, most monotonous, and most easily acquired knack, that is required of him. Hence, the cost of production of a workman is restricted, almost entirely, to the means of subsistence that he requires for his maintenance, and for the propagation of his race. But the price of a commodity, and therefore also of labour, is equal to its cost of production. In proportion, therefore, as the repulsiveness of work increases, the wage decreases. Nay more, in proportion as the use of machinery and division of labour increases, in the same proportion the burden of toil also increases, whether by prolongation of the working hours, by increase of the work exacted in a given time, or by increased speed of the machinery, etc.

Modern industry has converted the little workshop of the patriarchal master, into the great factory of the industrial capitalist. Masses of labourers, crowded into the factory, are organised like soldiers. As privates of the industrial army they are placed under the command of a perfect hierarchy of officers and sergeants. Not only are they slaves of the bourgeois class, and of the bourgeois State, they are daily and hourly enslaved by the machine, by the over-looker, and, above all, by the individual bourgeois manufacturer himself. The more openly this despotism proclaims gain to be its end and aim, the more petty, the more hateful and the embittering it is.

The less the skill and exertion of strength implied in manual labour, in other words, the more modern industry becomes developed, the more is the labour of men superseded by that of women. Differences of age and sex have no longer any distinctive social validity for the working class. All are instruments of labour, more or less expensive to use, according to their age and sex.

No sooner is the exploitation of the labourer by the manufacturer, so far, at an end, that he receives his wages in cash, than he is set upon by the other portions of the bourgeoisie, the landlord, the shopkeeper, the pawnbroker, etc.

The lower strata of the middle class – the small tradespeople, shopkeepers, and retired tradesmen generally, the handicraftsmen and peasants – all these sink gradually into the proletariat, partly because their diminutive capital does not suffice for the scale on which Modern Industry is carried on, and is swamped in the competition with the large capitalists, partly because their specialized skill is rendered worthless by new methods of production. Thus the proletariat is recruited from all classes of the population.

The proletariat goes through various stages of development. With its birth begins its struggle with the bourgeoisie. At first the contest is carried on by individual labourers, then by the work-people of a factory, then by the operatives of one trade in one locality, against the individual bourgeois who directly exploits them. They direct their attacks not against the bourgeois conditions of production, but against the instruments of production themselves; they destroy imported wares that compete with their labour, they smash to pieces machinery, they set factories ablaze, they seek to restore by force the vanished status of the workman of the Middle Ages.

At this stage the labourers still form an incoherent mass scattered over the whole

country, and broken up by their mutual competition. If anywhere they unite to form more compact bodies, this is not yet the consequence of their own active union, but of the union of the bourgeoisie, which class, in order to attain its own political ends, is compelled to set the whole proletariat in motion, and is moreover yet, for a time, able to do so. At this stage, therefore, the proletarians do not fight their enemies, but the enemies of their enemies, the remnants of absolute monarchy, the landowners, the non-industrial bourgeois, the petty bourgeoisie. Thus the whole historical movement is concentrated in the hands of the bourgeoisie; every victory so obtained is a victory for the bourgeoisie.

But with the development of industry the proletariat not only increases in number; it becomes concentrated in greater masses, its strength grows, and it feels that strength more. The various interests and conditions of life within the ranks of the proletariat are more and more equalized, in proportion as machinery obliterates all distinctions of labour, and nearly everywhere reduces wages to the same low level. The growing competition among the bourgeois, and the resulting commercial crises, make the wages of workers ever more fluctuating. The unceasing improvement of machinery, ever more rapidly developing, makes their livelihood more and more precarious; the collisions between individual workmen and individual bourgeois take more and more the character of collisions between two classes. Thereupon the workers begin to form combinations (Trades Unions) against the bourgeois; they club together in order to keep up the rate of wages; they found permanent associations in order to make provision beforehand for these occasional revolts. Here and there the contest breaks out into riots.

Now and then the workers are victorious, but only for a time. The real fruit of their battles lies, not in the immediate result, but in the ever-expanding union of the workers. This union is helped on by the improved means of communication that are created by modern industry and that place the workers of different localities in contact with one another. It was just this contact that was needed to centralize the numerous local struggles, all of the same character, into one national struggle between classes. But every class struggle is a political struggle. And that union, to attain which the burghers of the Middle Ages, with their miserable highways, required centuries, the modern proletarians, thanks to railways, achieve in a few years.

This organization of the proletarians into a class, and consequently into a political party, is continually being upset again by the competition between the workers themselves. But it ever rises up again, stronger, firmer, mightier. It compels legislative recognition of particular interests of the workers, by taking advantage of the divisions among the bourgeoisie itself. Thus the Ten Hours bill in England was carried.

Altogether collisions between the classes of the old society further, in many ways, the course of development of the proletariat. The bourgeoisie finds itself involved in a constant battle. At first with the aristocracy; later on, with those portions of the bourgeoisie itself, whose interests have become antagonistic to the progress of industry; at all times, with the bourgeoisie of foreign countries. In all these battles it sees itself compelled to appeal to the

proletariat, to ask for its help, and thus, to drag it into the political arena. The bourgeoisie itself, therefore, supplies the proletariat with its own elements of political and general education, in other words, it furnishes the proletariat with weapons for fighting the bourgeoisie.

Further, as we have already seen, entire sections of the ruling classes are, by the advance of industry, precipitated into the proletariat, or are at least threatened in their conditions of existence. These also supply the proletariat with fresh elements of enlightenment and progress.

Finally, in times when the class struggle nears the decisive hour, the process of dissolution going on within the ruling class, in fact, within the whole range of old society, assumes such a violent, glaring character, that a small section of the ruling class cuts itself adrift, and joins the revolutionary class, the class that holds the future in its hands. Just as, therefore, at an earlier period, a section of the nobility went over to the bourgeoisie, so now a portion of the bourgeoisie goes over to the proletariat, and in particular, a portion of the bourgeois ideologists, who have raised themselves to the level of comprehending theoretically the historical movement as a whole.

Of all the classes that stand face to face with the bourgeoisie today, the proletariat alone is a really revolutionary class. The other classes decay and finally disappear in the face of modern industry; the proletariat is its special and essential product.

The lower middle class, the small manufacturer, the shopkeeper, the artisan, the peasant, all these fight against the bourgeoisie, to save from extinction their existence as fractions of the middle class. They are therefore not revolutionary, but conservative. Nay more, they are reactionary, for they try to roll back the wheel of history. If by chance they are revolutionary, they are so only in view of their impending transfer into the proletariat, they thus defend not their present, but their future interests, they desert their own standpoint to place themselves at that of the proletariat.

The 'dangerous class', the social scum, that passively rotting mass thrown off by the lowest layers of old society, may, here and there, be swept into the movement by a proletarian revolution; its conditions of life, however, prepare it far more for the part of a bribed tool of reactionary intrigue.

In the conditions of the proletariat, those of old society at large are already virtually swamped. The proletarian is without property; his relation to his wife and children has no longer anything in common with the bourgeois family relations; modern industrial labour, modern subjection to capital, the same in England as in France, in America as in Germany, has stripped him of every trace of national character. Law, morality, religion, are to him so many bourgeois prejudices, behind which lurk in ambush just as many bourgeois interests.

All the preceding classes that got the upper hand sought to fortify their already acquired status by subjecting society at large to their conditions of appropriation. The proletarians cannot become masters of the productive forces of society, except by abolishing their own previous mode of appropriation, and thereby also every other previous mode of appropriation.

They have nothing of their own to secure and to fortify; their mission is to destroy all previous securities for, and insurances of, individual property.

All previous historical movements were movements of minorities, or in the interest of minorities. The proletarian movement is the self-conscious, independent movement of the immense majority, in the interest of the immense majority. The proletariat, the lowest stratum of our present society, cannot stir, cannot raise itself up, without the whole superincumbent strata of official society being sprung into the air.

Though not in substance, yet in form, the struggle of the proletariat with the bourgeoisie is at first a national struggle. The proletariat of each country must, of course, first of all settle matters with its own bourgeoisie.

In depicting the most general phases of the development of the proletariat, we traced the more or less veiled civil war, raging within existing society, up to the point where that war breaks out into open revolution, and where the violent overthrow of the bourgeoisie lays the foundation for the sway of the proletariat.

Hitherto, every form of society has been based, as we have already seen, on the antagonism of oppressing and oppressed classes. But in order to oppress a class, certain conditions must be assured to it under which it can, at least, continue its slavish existence. The serf, in the period of serfdom, raised himself to membership in the commune, just as the petty bourgeois, under the yoke of feudal absolutism, managed to develop into a bourgeois. The modern labourer, on the contrary, instead of rising with the progress of industry, sinks deeper and deeper below the conditions of existence of his own class. He becomes a pauper, and pauperism develops more rapidly than population and wealth. And here it becomes evident, that the bourgeoisie is unfit any longer to be the ruling class in society, and to impose its conditions of existence upon society as an overriding law. It is unfit to rule because it is incompetent to assure an existence to its slave within his slavery, because it cannot help letting him sink into such a state, that it has to feed him, instead of being fed by him. Society can no longer live under this bourgeoisie, in other words, its existence is no longer compatible with society.

The essential condition for the existence, and for the sway of the bourgeois class, is the formation and augmentation of capital; the condition for capital is wage labour. Wage labour rests exclusively on competition between the labourers. The advance of industry, whose involuntary promoter is the bourgeoisie, replaces the isolation of the labourers, due to competition, by their revolutionary combination, due to association. The development of Modern Industry, therefore, cuts from under its feet the very foundation on which the bourgeoisie produces and appropriates products. What the bourgeoisie, therefore, produces, above all, is its own grave-diggers. Its fall and the victory of the proletariat are equally inevitable.

Note

1. By bourgeoisie is meant the class of modern Capitalists, owners of the means of social production and employers of wage-labour. By proletariat, the class of modern wage-labourers who, having no means of production of their own, are reduced to selling their labour-power in order to live.

EXTRACT FROM KARL MARX, *CAPITAL*

Part I ii: The Production of Absolute Surplus-Value

Chapter VII: The Labour-Process and the Process of Producing Surplus-Value

Section 1 – The Labour-Process or the Production Of Use-Values

The capitalist buys labour-power in order to use it; and labour power in use is labour itself. The purchaser of labour-power consumes it by setting the seller of it to work. By working, the latter becomes actually, what before he only was potentially, labour-power in action, a labourer. In order that his labour may reappear in a commodity, he must, before all things, expend it on something useful, on something capable of satisfying a want of some sort. Hence, what the capitalist sets the labourer to produce, is a particular use-value, a specified article. The fact that the production of use-values, or goods, is carried on under the control of a capitalist and on his behalf, does not alter the general character of that production. We shall, therefore, in the first place, have to consider the labour-process independently of the particular form it assumes under given social conditions.

Labour is, in the first place, a process in which both man and Nature participate, and in which man of his own accord starts, regulates, and controls the material relations between himself and Nature. He opposes himself to Nature as one of her own forces, setting in motion arms and legs, head and hands, the natural forces of his body, in order to appropriate Nature's productions in a form adapted to his own wants. By thus acting on the external world and changing it, he at the same time changes his own nature. He develops his slumbering powers and compels them to act in obedience to his sway. We are not now dealing with those primitive instinctive forms of labour that remind us of the mere animal. An immeasurable interval of time separates the state of things in which a man brings his labour-power to market for sale as a commodity, from that state in which human labour was still in its first instinctive stage. We pre-suppose labour in a form that stamps it as exclusively human. A spider conducts operations that resemble those of a weaver, and a bee puts to shame many an architect in the construction of her cells. But what distinguishes the worst architect from the best of bees is this, that the architect raises his structure in imagination before he erects it in reality. At the end of every labour-process, we get a result that already existed in the imagination of the labourer at its commencement. He not only effects a change of form in the material on

which he works, but he also realises a purpose of his own that gives the law to his *modus operandi*, and to which he must subordinate his will. And this subordination is no mere momentary act. Besides the exertion of the bodily organs, the process demands that, during the whole operation, the workman's will be steadily in consonance with his purpose. This means close attention. The less he is attracted by the nature of the work, and the mode in which it is carried on, and the less, therefore, he enjoys it as something which gives play to his bodily and mental powers, the more close his attention is forced to be.

The elementary factors of the labour-process are 1, the personal activity of man, i.e., work itself, 2, the subject of that work, and 3, its instruments.

The soil (and this, economically speaking, includes water) in the virgin state in which it supplies man with necessities or the means of subsistence ready to hand, exists independently of him, and is the universal subject of human labour. All those things which labour merely separates from immediate connexion with their environment, are subjects of labour spontaneously provided by Nature. Such are fish which we catch and take from their element, water, timber which we fell in the virgin forest, and ores which we extract from their veins. If, on the other hand, the subject of labour has, so to say, been filtered through previous labour, we call it raw material; such is ore already extracted and ready for washing. All raw material is the subject of labour, but not every subject of labour is raw material: it can only become so, after it has undergone some alteration by means of labour.

An instrument of labour is a thing, or a complex of things, which the labourer interposes between himself and the subject of his labour, and which serves as the conductor of his activity. He makes use of the mechanical, physical, and chemical properties of some substances in order to make other substances subservient to his aims. Leaving out of consideration such ready-made means of subsistence as fruits, in gathering which a man's own limbs serve as the instruments of his labour, the first thing of which the labourer possesses himself is not the subject of labour but its instrument. Thus Nature becomes one of the organs of his activity, one that he annexes to his own bodily organs, adding stature to himself in spite of the Bible. As the earth is his original larder, so too it is his original tool house. It supplies him, for instance, with stones for throwing, grinding, pressing, cutting, &c. The earth itself is an instrument of labour, but when used as such in agriculture implies a whole series of other instruments and a comparatively high development of labour. No sooner does labour undergo the least development, than it requires specially prepared instruments. Thus in the oldest caves we find stone implements and weapons. In the earliest period of human history domesticated animals, i.e., animals which have been bred for the purpose, and have undergone modifications by means of labour, play the chief part as instruments of labour along with specially prepared stones, wood, bones, and shells. The use and fabrication of instruments of labour, although existing in the germ among certain species of animals, is specifically characteristic of the human labour-process, and Franklin therefore defines man as a tool-making animal. Relics of bygone instruments of labour possess the same importance for the

investigation of extinct economic forms of society, as do fossil bones for the determination of extinct species of animals. It is not the articles made, but how they are made, and by what instruments, that enables us to distinguish different economic epochs. Instruments of labour not only supply a standard of the degree of development to which human labour has attained, but they are also indicators of the social conditions under which that labour is carried on. Among the instruments of labour, those of a mechanical nature, which, taken as a whole, we may call the bone and muscles of production, offer much more decided characteristics of a given epoch of production, than those which, like pipes, tubs, baskets, jars, &c., serve only to hold the materials for labour, which latter class, we may in a general way, call the vascular system of production. The latter first begins to play an important part in the chemical industries.

In a wider sense we may include among the instruments of labour, in addition to those things that are used for directly transferring labour to its subject, and which therefore, in one way or another, serve as conductors of activity, all such objects as are necessary for carrying on the labour-process. These do not enter directly into the process, but without them it is either impossible for it to take place at all, or possible only to a partial extent. Once more we find the earth to be a universal instrument of this sort, for it furnishes a *locus standi* to the labourer and a field of employment for his activity. Among instruments that are the result of previous labour and also belong to this class, we find workshops, canals, roads, and so forth.

In the labour-process, therefore, man's activity, with the help of the instruments of labour, effects an alteration, designed from the commencement, in the material worked upon. The process disappears in the product; the latter is a use-value. Nature's material adapted by a change of form to the wants of man. Labour has incorporated itself with its subject: the former is materialised, the latter transformed. That which in the labourer appeared as movement, now appears in the product as a fixed quality without motion. The blacksmith forges and the product is a forging.

If we examine the whole process from the point of view of its result, the product, it is plain that both the instruments and the subject of labour, are means of production, and that the labour itself is productive labour.

Though a use-value, in the form of a product, issues from the labour-process, yet other use values, products of previous labour, enter into it as means of production. The same use-value is both the product of a previous process, and a means of production in a later process. Products are therefore not only results, but also essential conditions of labour.

With the exception of the extractive industries, in which the material for labour is provided immediately by Nature, such as mining, hunting, fishing, and agriculture (so far as the latter is confined to breaking up virgin soil), all branches of industry manipulate raw material, objects already filtered through labour, already products of labour. Such is seed in agriculture. Animals and plants which we are accustomed to consider as products of Nature, are in their present form, not only products of, say last year's labour, but the result of a

gradual transformation, continued through many generations, under man's superintendence, and by means of his labour. But in the great majority of cases, instruments of labour show even to the most superficial observer, traces of the labour of past ages.

Raw material may either form the principal substance of a product, or it may enter into its formation only as, an accessory. An accessory may be consumed by the instruments of labour, as coal under a boiler, oil by a wheel, hay by draft-horses, or it may be mixed with the raw material in order to produce some modification thereof, as chlorine into unbleached linen, coal with iron, dye-stuff with wool, or again, it may help to carry on the work itself, as in the case of the materials used for heating and lighting workshops. The distinction between principal substance and accessory vanishes in the true chemical industries, because there none of the raw material re-appears, in its original composition, in the substance of the product.

Every object, possesses various properties, and is thus capable of being applied to different uses. One and the same product, may therefore serve as raw material in very different processes. Corn, for example, is a raw material for millers, starch-manufacturers, distillers, and cattle-breeders. It also enters as raw material into its own production in the shape of seed; coal, too, is at the same time the product of and a means of production in, coal-mining.

Again, a particular product may be used in one and the same process, both as an instrument of labour and as raw material. Take, for instance, the fattening of cattle, where the animal is the raw material, and at the same time an instrument for the production of manure.

A product, though ready for immediate consumption, may yet serve as raw material, for a further product, as grapes when they become the raw material for wine. On the other hand, labour may give us its product in such a form, that we can use it only as raw material, as is the case with cotton, thread, and yarn. Such a raw material, though itself a product, may have to go through a whole series of different processes: in each of these in turn, it serves, with constantly varying form, as raw material, until the last process of the series leaves it a perfect product, ready for individual consumption, or for use as an instrument of labour.

Hence we see, that whether a use-value is to be regarded as raw material, as instrument of labour, or as product, this is determined entirely by its function in the labour-process, by the position it there occupies: as this varies, so does its character.

Whenever therefore a product enters as a means of production into a new labour-process, it thereby loses its character of product, and becomes a mere factor in the process. A spinner treats spindles only as implements for spinning, and flax only as the material that he spins. Of course it is impossible to spin without material and spindles; and therefore the existence of these things as products, at the commencement of the spinning operation, must be presumed: but in the process itself, the fact that they are products of previous labour, is a matter of utter indifference; just as in the digestive process, it is of no importance whatever that bread is the produce of the previous labour of the farmer, the miller, and the baker. On the contrary, it is generally by their imperfections as products, that the means of production in

any process assert themselves in their character of products. A blunt knife or weak thread forcibly remind us of Mr. A., the cutler, or Mr. B., the spinner. In the finished product the labour by means of which it has acquired its useful qualities is not palpable, has apparently vanished.

A machine which does not serve the purposes of labour, is useless. In addition, it falls a prey to the destructive influence of natural forces. Iron rusts and wood rots. Yarn with which we neither weave nor knit, is cotton wasted. Living labour must seize upon these things and rouse them from their death-sleep, change them from mere possible use-values into real and effective ones. Bathed in the fire of labour, appropriated as part and parcel of labour's organism, and, as it were, made alive for the performance of their functions in the process, they are in truth consumed, but consumed with a purpose, as elementary constituents of new use-values, of new products ever ready as means of subsistence for individual consumption, or as means of production for some new labour process.

If then, on the one hand, finished products are not only results, but also necessary conditions, of the labour-process, on the other hand, their assumption, into that process, their contact with living labour, is the sole means by which they can be made to retain their character of use-values, and be utilised.

Labour uses up its material factors, its subject and its instruments, consumes them, and is therefore a process of consumption. Such productive consumption is distinguished from individual consumption by this, that the latter uses up products, as means of subsistence for the living individual; the former, as means whereby alone labour, the labour-power of the living individual, is enabled to act. The product, therefore, of individual consumption, is the consumer himself, the result of productive consumption, is a product distinct from the consumer.

In so far then, as its instruments and subjects are themselves products, labour consumes products in order to create products, or in other words, consumes one set of products by turning them into means of production for another set. But, just as in the beginning, the only participators in the labour process were man and the earth, which latter exists independently of man, so even now we still employ in the process many means of production, provided directly by Nature, that do not represent any combination of natural substances with human labour.

The labour-process, resolved as above into its simple elementary factors, is human action with a view to the production of use-values, appropriation of natural substances to human requirements; it is the necessary condition for effecting exchange of matter between man and Nature; it is, the everlasting Nature-imposed condition of human existence, and therefore is independent of every social phase of that existence, or rather, is common to every such phase. It was, therefore, not necessary to represent our labourer in connexion with other labourers; man and his labour on one side, Nature and its materials on the other, sufficed. As the taste of the porridge does not tell you who grows the oats, no more does this simple process tell you of itself what are the social conditions under which it is taking place, whether under the slave-owner's brutal lash, or the anxious eye of the capitalist, whether Cincinnatus carries it on in tilling his modest farm or a savage in killing wild animals with stones.

Let us now return to our would-be capitalist. We left him just after he had purchased in the open market, all the necessary factors of the labour-process; its objective factors – the means of production, as well as its subjective factor, labour-power. With the keen eye of an expert, he has selected the means of production and the use of labour-power best adapted, to his particular trade, be it spinning, bootmaking, or any other kind. He then proceeds to consume the commodity, the labour-power that he has just bought, by causing the labourer, the impersonation of that labour-power, to consume the means of production by his labour. The general character of the labour-process is evidently not changed by the fact that the labourer works for the capitalist instead of for himself; moreover, the particular methods and operations employed in bootmaking or spinning are not immediately changed by the intervention of the capitalist. He must begin by taking the labour-power as he finds it in the market, and consequently be satisfied with the labour of such a kind as would be found in the period immediately preceding the rise of capitalists. Changes in the methods of production by the subordination of labour to capital, can take place only at a later period, and therefore will have to be treated of in a later chapter.

The labour-process, turned into the process by which the capitalist consumes labour-power, exhibits two characteristic phenomena. First, the labourer works under the control of the capitalist to whom his labour, belongs; the capitalist taking good care that the work is done in a proper manner, and that the means of production are used with intelligence, so that there is no unnecessary waste of raw material, and no wear and tear of the implements beyond what is necessarily caused by the work.

Secondly, the product is the property of the capitalist and not that of the labourer, its immediate producer. Suppose that a capitalist pays for a day's labour power at its value; then the right to use that power for a day belongs to him, just as much as the right to use any other commodity, such as a horse that he has hired for the day. To the purchaser of the commodity belongs its use, and the seller of labour-power, by giving his labour, does no more, in reality, than part with the use-value that he has sold. From the instant he steps into the workshop, the use-value of his labour-power, and therefore also its use, which is labour belongs to the capitalist. By the purchase of labour-power, the capitalist incorporates labour, as a living ferment, with the lifeless constituents of the product. From his point of view, the labour process is nothing more than the consumption of, the commodity purchased, *i.e.*, of labour-power, but this consumption cannot be effected except by supplying the labour-power with the means of production. The labour-process is a process between things that the capitalist has purchased, things that have become his property. The product of this process belongs, therefore, to him, just as much as does the wine which is the product of a process of fermentation completed in his cellar.

Section 2 – The Production of Surplus-Value

The product appropriated by the capitalist is a use-value, as yarn, for example, or boots. But, although boots are, in one sense, the basis of all social progress, and our capitalist is a decided ‘progressist’, yet he does not manufacture boots for their own sake. Use-value is, by no means, the thing ‘qu’on aime pour lui-même’ in the production of commodities. Use-values are only produced by capitalists, because, and in so far as, they are the material substratum, the depositories of exchange-value. Our capitalist has two objects in view. In the first place, he wants to produce a use-value that has a value in exchange; that is to say, an article destined to be sold, a commodity; and secondly, he desires to produce a commodity whose value shall be greater than the sum of the various of the commodities used in its production, that is, of the means of production and the labour-power, that he purchased with his good money in the open market. His aim is to produce not only a use-value, but a commodity also; not only use-value, but value; not only value, but at the same time surplus-value.

It must be borne in mind, that we are now dealing with the production of commodities, and that, up to this point, we have only considered one aspect of the process. Just as commodities are, at the same time, use-values and values, so the process of producing them must be a labour-process, and at the same time, a process of creating value.

Let us now examine production as a creation of value.

We know that the value of each commodity is determined by the quantity of labour expended on and materialised in it, by the working-time, necessary, under given social conditions, for its production. This rule also holds good in the case of the product that accrued to our capitalist, as the result of the labour process carried on for him. Assuming this product to be 10 lbs. of yarn, our first step is to calculate the quantity of labour realised in it.

For spinning the yarn, raw material is required; suppose in this case 10 lbs. of cotton. We have no need at present to investigate the value of this cotton, for our capitalist has, we will assume, bought it at its, full value, say of ten shillings. In this price the labour required for the production of the cotton is already expressed in terms of the average labour of society. We will further assume that the wear and tear of the spindle, which, for our present purpose, may represent all other instruments of labour employed, amounts to the value of 2s. If, then, twenty-four hours’ labour, or two working-days, are required to produce the quantity of gold represented by twelve shillings, we have here, to begin with, two days’ labour already incorporated in the yarn.

We must not let ourselves be misled by the circumstance that the cotton has taken a new shape while the substance of the spindle has, to a certain extent been used up. By the general law of value, if the value of 40 lbs. of yarn = the value of 40 lbs. of cotton + the value of a whole spindle, i.e. if the same working-time is required to produce the commodities on either side of this equation, then 10 lbs. of yarn are an equivalent for 10 lbs. of cotton, together with one-fourth of a spindle. In the case we are considering, the same working-time is materialised in the 10 lbs. of yarn on the one hand, and in the 10 lbs. of cotton and the fraction of a spindle

on the other. Therefore, whether value appears in cotton, in a spindle, or in yarn, makes no difference in the amount of that value. The spindle and cotton, instead of resting quietly side by side, join together in the process, their forms are altered, and they are turned into yarn; but their value is no more affected by this fact than it would be if they had been simply exchanged for their equivalent in yarn.

The labour required for the production of the cotton, the raw material of the yarn, is part of the labour necessary to produce the yarn, and is therefore contained in the yarn. The same applies to the labour embodied in the spindle, without whose wear and tear the cotton could not be spun.

Hence, in determining the value of the yarn, or the labour-time required for its production, all the special processes carried on at various times and in different places, which were necessary, first to produce the cotton and the wasted portion of the spindle, and then with the cotton and spindle to spin the yarn, may together be looked on as different and successive phases of one and the same process. The whole of the labour in the yarn is past labour; and it is a matter of no importance that the operations necessary for the production of its constituent elements were carried on at times which, referred to the present, are more remote than the final operation of spinning. If a definite quantity of labour, say thirty days, is requisite to build a house, the total amount of labour incorporated in it is not altered by the fact that the work of the last day is done twenty-nine days later than that of the first. Therefore the labour contained in the raw material and the instruments of labour can be treated just as if it were labour expended in an earlier stage of the spinning process, before the *labour* of actual spinning commenced.

The values of the means of production, the cotton, and the spindle, which values are expressed in the price of twelve shillings, are, therefore constituent parts of the value of the yarn, or, in other words, of the value of the product.

Two conditions must nevertheless be fulfilled. First, the cotton, and spindle must concur in the production of a use-value; they must in the present case become yarn. Value is independent of the particular use-value *by* which it is borne, but it must be embodied in a use-value of some kind. Secondly, the time occupied in the labour of production must not exceed the time really necessary under the given social conditions, of the case. Therefore, if no more than 1 lb. of cotton be requisite to spin 1 lb. of yarn, care must be taken that no more than this weight of cotton is consumed in the production of 1 lb. of yarn; and similarly with regard to the spindle. Though the capitalist have a hobby, and use a gold instead of a steel spindle, yet the only labour that counts for anything in the value of the yarn is that which would be required to produce a steel spindle, because no more is necessary, under the given social conditions.

We now know what portion of the value of the yarn is owing to the cotton and the spindle. It amounts to twelve shillings or the value of two days' work. The next point for our consideration is, what portion of the value of the yarn is added to the cotton by the labour of the spinner.

We have now to consider this labour under a very different aspect from that which it had during the labour-process; there, we viewed it solely as that particular kind of human activity which changes cotton into yarn; there, the more the labour was suited to the work, the better the yarn, other circumstances remaining the same. The labour of the spinner was then viewed as specifically different from other kinds of productive labour, different on the one hand in its special aim, viz., spinning, different, on the other hand, in the special character of its operations, in the special nature of its means of production and in the special use-value of its product. For the operation of spinning, cotton and spindles are a necessity, but for making rifled cannon, they would be of no use whatever; on the contrary, where we consider the labour of the spinner only so far as it is value-creating, *i.e.*, a source of value, his labour differs in no respect from the labour of the man who bores cannon, or (what here more nearly concerns us), from the labour of the cotton-planter and spindle-maker incorporated in the means of production. It is solely by reason of this identity, that cotton planting, spindle making and spinning are capable of forming the component parts, differing only quantitatively from each other, of one whole, namely, the value of the yarn. Here, we have nothing more to do with the quality, the nature and the specific character of the labour, but merely with its quantity. And this simply requires to be calculated. We proceed upon the assumption that spinning is simple, unskilled labour, the average labour of a given state of society. Hereafter we shall see that the contrary assumption would make no difference.

While the labourer is at work his labour constantly undergoes a transformation: from being motion, it becomes an object without motion; from being the labourer working, it becomes the thing produced. At the end of one hour's spinning, that act is represented by a definite quantity of yarn; in other words, a definite quantity of labour, namely that of one hour, has become embodied in the cotton. We say labour, *i.e.*, the expenditure of his vital force by the spinner, and not spinning labour, because the special work of spinning counts here, only so far as it is the expenditure of labour-power, in general, and not in so far as it is the specific work of the spinner.

In the process we are now considering it is of extreme importance that no more time be consumed in the work of transforming the cotton into yarn than is necessary under the given social conditions. If under normal, *i.e.*, average social conditions of production, x pounds of cotton ought to be made into y pounds of yarn, by one hour's labour, then a day's labour does not count as 12 hours' labour unless $12x$ pounds of cotton have been made into $12y$ lbs. of yarn; for in the creation of value, the time that is socially necessary alone counts.

Not only the labour, but also the raw material and the product now appear in quite a new light, very different from that in which we viewed them in the labour process pure and simple.

The raw material serves now merely as an absorbent of a definite quantity of labour. By this absorption it is in fact changed into yarn, because it is spun, because labour-power in the form of spinning is added to it; but the product, the yarn, is now nothing more than a measure of the labour absorbed by the cotton. If in one hour 1 lbs. of cotton can be spun into 1 lbs. of

yarn, then 10 lbs. of yarn indicate the absorption of 6 hours' labour. Definite quantities of product, these quantities being determined by experience, now represent nothing but definite quantities of labour, definite masses of crystallised labour-time. They are nothing more than the materialisation of so many hours or so many days of social labour.

We are here no more concerned about the facts that the labour is the specific work of spinning, that its subject is cotton and its product yarn, than we are about the fact that the subject itself is already a product and therefore raw material. If the spinner, instead of spinning, were working in a coal mine, the subject of his labour, the coal, would be supplied by Nature; nevertheless, a definite quantity, of extracted coal, a hundredweight for example, would represent a definite quantity of absorbed labour.

We assumed, on the occasion of its sale, that the value of a day's labour-power is three shillings, and that six hours' labour is incorporated in that sum; and consequently that this amount of labour is requisite to produce the necessities of life daily required on an average by the labourer. If now our spinner by working for one hour, can convert 1 lbs. of cotton into 1 lbs. of yarn, it follows that in six hours he will convert 10 lbs. of cotton into 10 lbs. of yarn. Hence, during the spinning process, the cotton absorbs six hours' labour. The same quantity of labour is also embodied in a piece of gold of the value of three shillings. Consequently by the mere labour of spinning, a value of three shillings is added to the cotton.

Let us now consider the total value of the product, the 10 lbs. of yarn. Two and a half days' labour has been embodied in it, of which two days were contained in the cotton and in the substance of the spindle worn away, and half a day was absorbed during the process of spinning. This two and a half days' labour is also represented by a piece of gold of the value of fifteen shillings. Hence, fifteen shillings is an adequate price for the 10 lbs. of yarn, or the price of one pound is eighteen pence.

Our capitalist stares in astonishment, the value of the product is exactly equal to the value of the capital advanced. The value so advanced has not expanded, no surplus-value has been created, and consequently money has not been converted into capital. The price of the yarn is fifteen shillings, and fifteen shillings were spent in the open market upon the constituent elements of the product, or, what amounts to the same thing, upon the factors of the labour-process; ten shillings were paid for the cotton, two shillings for the substance of the spindle worn away, and three shillings for the labour-power. The swollen value of the yarn is of no avail, for it is merely the sum of the values formerly existing in the cotton, the spindle, and the labour-power: out of such a simple addition of existing values, no surplus-value can possibly arise. These separate values are now all concentrated in one thing, but so they were also in the sum of fifteen shillings, before it was split up into three parts, by the purchase of the commodities.

There is in reality nothing very strange in this result. The value of one pound of yarn

being eighteen pence, if our capitalist buys 10 lbs. of yarn in the market, he must pay fifteen shillings for them. It is clear that, whether a man buys his house ready built, or gets it built for him, in neither case will the mode of acquisition increase the amount of money laid out on the house.

Our capitalist, who is at home in his vulgar economy, exclaims: 'Oh! but I advanced my money for the express purpose of making more money.' The way to Hell is paved with good intentions, and he might just as easily have intended to make money, without producing at all. He threatens all sorts of things. He won't be caught napping again. In future he will buy the commodities in the market, instead of manufacturing them himself. But if all his brother capitalists were to do the same, where would he find his commodities in the market? And his money he cannot eat. He tries persuasion. 'Consider my abstinence; I might have played ducks and drakes with the 15 shillings; but instead of that I consumed it productively, and made yarn with it.' Very well, and by way of reward he is now in possession of good yarn instead of a bad conscience; and as for playing the part of a miser, it would never do for him to relapse into such bad ways as that; we have seen before to what results such asceticism leads. Besides, where nothing is, the king has lost his rights; whatever may be the merit of his abstinence, there is nothing wherewith specially to remunerate it, because the value of the product is merely the sum of the values of the commodities that were thrown into the process of production. Let him therefore console himself with the reflection that virtue is its own reward. But no, he becomes importunate. He says: 'The yarn is of no use to me: I produced it for sale.' In that case let him sell it, or, still better, let him for the future produce only things for satisfying his personal wants, a remedy that his physician MacCulloch has already prescribed as infallible against an epidemic of over-production. He now gets obstinate. 'Can the labourer,' he asks, 'merely with his arms and legs, produce commodities out of nothing? Did I not supply him with the materials, by means of which, and in which alone, his labour could be embodied? And as the greater part of society consists of such ne'er-do-wells, have I not rendered society incalculable service by my instruments of production, my cotton and my spindle, and not, only society, but the labourer also, whom in addition I have provided with the necessities of life? And am I to be allowed nothing in return for all this service?' Well, but has not the labourer rendered him the equivalent service of changing his cotton and spindle into yarn? Moreover, there is here no question of service. A service is nothing more than the useful effect of a use-value, be it of a commodity, or be it of labour. But here we are dealing with exchange-value. The capitalist paid to the labourer a value of 3 shillings, and the labourer gave him back an exact equivalent in the value of 3 shillings, added by him to the cotton: he gave him value for value. Our friend, up to this time so purse-proud, suddenly assumes the modest demeanour of *his* own workman, and exclaims: 'Have I myself not worked? Have I not performed the labour of superintendence and of overlooking the spinner? And does not this labour, too, create value?' His over-looker and his manager try to hide their

smiles. Meanwhile, after a hearty laugh, he re-assumes his usual mien. Though he chanted to us the whole creed of the economists, in reality, he says, he would not give a brass farthing for it. He leaves this and all such like subterfuges and juggling tricks to the professors of Political Economy, who are paid for it. He himself is a practical man; and though he does not always consider what he says outside his business, yet in his business he knows what he is about.

Let, us examine the matter more closely. The value of a day's labour-power amounts to 3 shillings, because on our assumption half a day's labour is embodied in that quantity of labour-power, *i.e.*, because the means of subsistence that are daily required for the production of labour-power, cost half a day's labour. But the past labour that is embodied in the labour-power, and the living labour that it can call into action; the daily cost of maintaining it, and its daily expenditure in work, are two totally different things. The former determines the exchange value of the labour power, the latter is its use-value. The fact that half a day's-labour is necessary to keep, the labourer alive during 24 hours, does not in any way prevent him from working a whole day. Therefore, the value of labour-power, and the value which that labour-power creates in the labour-process, are two entirely different magnitudes; and this difference of the two values was what the capitalist had in view, when he was purchasing the labour-power. The useful qualities that labour-power possesses, and by virtue of which it makes yarn or boots, were to him, nothing more than a condition *sine qua non*; for in order to create value, labour must be expended in a useful manner. What really influenced him was the specific use-value which this commodity possesses of being *a source not only of value, but of more value than it has itself*. This is the special service that the capitalist expects from labour-power, and in this transaction he acts in accordance the 'eternal laws' of the exchange of commodities. The seller of labour-power, like the seller, of any other commodity, realises its exchange-value, and parts with its use-value. He cannot take the one without giving the other. The use-value of labour-power, or in other words, labour, belongs just as little to its seller as the use-value of oil after it has been sold belongs to the dealer who has sold it. The owner of the money has paid the value of a day's labour-power; his, therefore, is the, use of it for a day; a day's labour belongs to him. The circumstance, that on the one hand the daily sustenance of labour-power costs only half a day's labour, while on the other hand the very same labour-power can work during a whole day, that consequently the value which its use during one day creates, is double what he pays for that use, this circumstance is, without doubt, a piece of good luck, for the buyer, but by no means an injury to the seller.

Our capitalist foresaw this state of things, and that was the cause of his laughter. The labourer therefore finds, in the workshop, the means of production necessary for working, not only during six, but during twelve hours. Just as during the six hours' process our 10 lbs. of cotton absorbed six hours' labour, and became 10 lbs. of yarn, so now; 20 lbs. of cotton will absorb 12 hours' labour and be changed into 20 lbs. of yarn. Let us now examine the product of this prolonged process. There is now materialised in this 20 lbs. of yarn the labour of five days, of which two days are due to the cotton and the lost steel of the spindle, the remaining

day having been absorbed by the cotton during the spinning process. Expressed in gold, the labour of five days is thirty shillings. This is therefore the price of the 20 lbs. of yarn, giving, as before, eighteen pence as the price of a pound. But the sum of the values of the commodities that entered into the process amounts to 27 shillings. The value of the yarn is 30 shillings. Therefore the value of the product is one-ninth greater than the value advanced for its production, 27 shillings have been transformed into 30 shillings; a surplus-value of 3 shillings has been created. The trick has at last succeeded; money has been converted into capital.

Every condition of the problem is satisfied, while the laws that regulate the exchange of commodities have been in no way violated. Equivalent has been exchanged for equivalent. For the capitalist as buyer paid for each commodity, for the cotton, the spindle and the labour-power, its full value. He then did what is done by every purchaser of commodities; he consumed their use-value. The consumption of the labour-power, which was also the process of producing commodities, resulted in 20 lbs. of yarn having a value of 30 shillings. The capitalist, formerly a buyer, now returns to market as a seller, of commodities. He sells his yarn at eighteen pence a pound; which is its exact value. Yet for all that he withdraws 3 shillings more from circulation than he originally threw into it. This metamorphosis, this conversion of money into capital, takes place both within the sphere of circulation and also outside it; within the circulation, because conditioned by the purchase of the labour-power in the market, outside the circulation, because what is done within it is only a stepping-stone to the production of surplus-value, a process which is entirely confined to the sphere of production. Thus 'tout est pour le mieux dans le meilleur des mondes possibles.'

By turning his money into commodities that serve as the material elements of a new product, and as factors in the labour process, by incorporating living labour with their dead substance, the capitalist at the same time converts value, *i.e.*, past, materialised, and dead labour into capital, into value big with value, a live monster that is fruitful and multiplies.

If we now compare the two processes of producing value and of creating surplus-value, we see that the latter is nothing but the continuation of the former beyond a definite point. If on the one hand the process be not carried beyond the point, where the value paid by the capitalist for the labour-power is replaced by an exact equivalent, it is simply a process of producing value; if, on the other hand, it be continued beyond that point, it becomes a process of creating surplus-value.

If we proceed further, and compare the process of producing value with the labour-process, pure and simple, we find that the latter consists of the useful labour, the work that produces use-values. Here we contemplate the labour as producing a particular article; we view it under its qualitative aspect alone, with regard to its end and aim. But viewed as a value-creating process, the same labour-process presents itself under its quantitative aspect alone. Here it is a question merely of the time occupied by the labourer in doing the work; of the period during which the labour-power is usefully expended. Here, the commodities that

take part in the process do not count any longer as necessary adjuncts of labour-power in the production of a definite, useful object. They count merely as depositories of so much absorbed or materialised labour; that labour, whether previously embodied in the means of production, or incorporated in them for the first time during the process by the action of labour-power, counts in either case only according to its duration; it amounts to so many hours or days as the case may be.

Moreover, only so much of the time spent in the production of any article is counted, under the given social conditions, is necessary. The consequences of this are various. In the first place, it becomes necessary that the labour should be carried on under normal conditions. If a self-acting mule is the implement in general use for spinning, it would be absurd to supply, the spinner with a distaff and spinning wheel. The cotton too must not be such rubbish as to cause extra waste in being worked, but must be of suitable quality. Otherwise the spinner would be found to spend more time in producing a pound of yarn than is socially necessary, in which case the excess of time would create neither value nor money. But whether the material factors of the process are of normal quality or not, depends not upon the labourer, but entirely upon the capitalist. Then again, the labour-power itself must be of average efficacy. In the trade in which it is being employed, it must possess the average skill, handiness and quickness prevalent in that trade, and our capitalist took good care to buy labour-power of such normal goodness. This power must be applied with the average amount of exertion and with the usual degree of intensity; and the capitalist is as careful to see that this is done, as that his workmen are not idle for a single moment. He has bought the use of the labour-power for a definite period, and he insists upon his rights. He has no intention of being robbed. Lastly, and for this purpose our friend has a penal code of his own, all wasteful consumption of raw material or instruments of labour is strictly forbidden, because what is so wasted, represents labour superfluously expended, labour that does not count in the product or enter into its value.¹

We now see that the difference between labour, considered on the one hand as producing utilities, and on the other hand, as creating value, a difference which we discovered by our analysis of a commodity, resolves itself into a distinction between two aspects of the process of production.

The process of production considered on the one hand as the unity of the labour-process and the process of creating value, is production of commodities; considered on the other hand as the unity of the labour-process and the process of producing surplus-value, it is the capitalist process of production, or capitalist production of commodities.

We stated, on a previous page, that in the creation of surplus-value it does not in the least matter, whether the labour appropriated by the capitalist be simple unskilled labour of average quality or more complicated skilled labour. All labour of a higher or more complicated character than average labour is expenditure of labour-power of a more costly kind, labour-power whose production has cost more time and labour, and which therefore has a higher value, than unskilled or simple labour-power. This power being of higher value, its consumption

is labour of a higher class, labour that creates in equal times proportionally higher values than unskilled labour does. Whatever difference in skill there may be between the labour of a spinner and that of a jeweller, the portion of his labour by which the jeweller merely replaces the value of his own labour-power, does not in any way differ in quality from the additional portion by which he creates surplus-value. In the making of jewellery, just as in spinning, the surplus-value results only from a quantitative excess of labour, from a lengthening out, of one and the same labour process, in the one case, of the process of making jewels, in the other of the process of making yarn.² But on the other hand, in every process of creating value, the reduction of skilled labour to average social labour *e.g.* one day of skilled to six days of unskilled labour, is unavoidable. We therefore save ourselves a superfluous operation, and simplify our analysis, by the assumption, that the labour of the workman employed by the capitalist is unskilled average labour.

Notes

1. This is one of the circumstances that make production by slave labour such a costly process. The labourer here is, to use a striking expression of the ancients, distinguishable only as instrumentum vocale, from an animal as instrumentum semi-vocale, and from an implement as instrumentum mutum. But he himself takes care to let both beast and implement feel that he is none of them but is a man. He convinces himself with immense satisfaction that he is a different by treating the one unmercifully and damaging the other *con amore*. Hence the principle, universally applied in this method of production, only to employ the rudest and heaviest implements and such as are difficult to damage owing to their sheer clumsiness. In the slave-states bordering on the Gulf of Mexico, down to the date of the civil war, ploughs constructed on old Chinese models, which turned up the soil like a hog or a mole, instead of making furrows, were alone to be found. Conf. J.E. Cairnes *The Slave Power* London 1862, p. 46 sqq. In his *Sea Board Slave States* Olmsted tells us, 'I am here showed tools, that no man in his senses with us would allow a labourer, for whom he was paying wages, to be encumbered with; and the excessive weight and clumsiness of which, I would judge, would make work at least ten percent greater than with those ordinarily used with us. And I am assured that, the careless and clumsy way they must be used by the slaves, anything lighter or less rude could not be furnished them with good economy, and that such tools as we constantly give our labourers and find our profit in giving them, would not last out a day in a Virginia cornfield much lighter and more free from stones than it be than ours. So, too, when I ask why mules are so universally substituted for horses on the farm, the first reason given, and confessedly the most conclusive one, is that horses cannot bear the treatment that they always must get from the negroes; horses are always soon foundered or crippled by them, while mules will bear cudgelling, or lose a meal or two now and then, and not be materially injured, and they do not take cold or get sick, if neglected or overworked. But I do not need to go further than to the window of the room in which I am writing to see, at almost most any time, treatment of cattle that would ensure the immediate discharge of any driver by almost any farmer owning them in the North.'

2. The distinction between skilled and unskilled labour rests in part on pure illusion, to say the least, on distinctions that have long since ceased to be real, and that survive only by virtue of a traditional convention; in part on the helpless condition of some groups of the working-class, a condition that prevents, them from exacting equally with the rest the value of their labour power. Accidental circumstances here play so great a part, that these two forms of labour circumstances sometimes change places. Where, for instance, the physique of the working-class has deteriorated, and is, relatively speaking, exhausted, which is the case in all countries with a well developed capitalist production, the lower forms of labour, which demand great expenditure of muscle, are, in general, considered as skilled, compared with much more delicate forms of labour; the latter sink down to the level of unskilled labour. Take as an example the labour of a brick-layer, which in England occupies a much higher level than that of a damask-weaver. Again, although the labour of a fustian-cutter demands great bodily exertion, and is at the same time unhealthy, yet it counts only as unskilled labour. And then, we must not forget, that the so-called skilled labour does not occupy a large space in the field of national labour. Laing estimates that in England (and Wales) the livelihood of 11,360,000 people depends on unskilled labour. If from the total population of 18,000,000 living at the time when he wrote, we deduct 1,000,000 for the 'genteel population', and 1,500,000 for paupers, vagrants, criminals, prostitutes &c., and 4,650,000 for those who compose the middle class, there remains the above mentioned 11,000,000. But in his middle class he includes people that live on the interest of small investments, officials, men of letters, artists, schoolmasters and the like, and in order to swell the number he also includes in these 4,650,000 the better paid portion of the factory operatives! The bricklayers, too, figure amongst them. (S. Laing, 'National Distress, &c. London, 1844.) 'The great class who have nothing to give for food but ordinary labour, are the great bulk of the people.' (James Mill in art: 'Colony', Supplement to the Encyclop. Brit., 1831.)

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