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Rajiv Gandhi University



MAPOLS-401

Political Thought

MA POLITICAL SCIENCE

1st Semester

Rajiv Gandhi University

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POLITICAL THOUGHT

MA [Political Science]
First Semester
MAPOLS - 401



RAJIV GANDHI UNIVERSITY

Arunachal Pradesh, INDIA - 791 112

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About the University

Rajiv Gandhi University (formerly Arunachal University) is a premier institution for higher education in the state of Arunachal Pradesh and has completed twenty-five years of its existence. Late Smt. Indira Gandhi, the then Prime Minister of India, laid the foundation stone of the university on 4th February, 1984 at Rono Hills, where the present campus is located.

Ever since its inception, the university has been trying to achieve excellence and fulfill the objectives as envisaged in the University Act. The university received academic recognition under Section 2(f) from the University Grants Commission on 28th March, 1985 and started functioning from 1st April, 1985. It got financial recognition under section 12-B of the UGC on 25th March, 1994. Since then Rajiv Gandhi University, (then Arunachal University) has carved a niche for itself in the educational scenario of the country following its selection as a University with potential for excellence by a high-level expert committee of the University Grants Commission from among universities in India.

The University was converted into a Central University with effect from 9th April, 2007 as per notification of the Ministry of Human Resource Development, Government of India.

The University is located atop Rono Hills on a picturesque tableland of 302 acres overlooking the river Dikrong. It is 6.5 km from the National Highway 52-A and 25 km from Itanagar, the State capital. The campus is linked with the National Highway by the Dikrong bridge.

The teaching and research programmes of the University are designed with a view to play a positive role in the socio-economic and cultural development of the State. The University offers Undergraduate, Post-graduate, M.Phil and Ph.D. programmes. The Department of Education also offers the B.Ed. programme.

There are fifteen colleges affiliated to the University. The University has been extending educational facilities to students from the neighbouring states, particularly Assam. The strength of students in different departments of the University and in affiliated colleges has been steadily increasing.

The faculty members have been actively engaged in research activities with financial support from UGC and other funding agencies. Since inception, a number of proposals on research projects have been sanctioned by various funding agencies to the University. Various departments have organized numerous seminars, workshops and conferences. Many faculty members have participated in national and international conferences and seminars held within the country and abroad. Eminent scholars and distinguished personalities have visited the University and delivered lectures on various disciplines.

The academic year 2000-2001 was a year of consolidation for the University. The switch over from the annual to the semester system took off smoothly and the performance of the students registered a marked improvement. Various syllabi designed by Boards of Post-graduate Studies (BPGS) have been implemented. VSAT facility installed by the ERNET India, New Delhi under the UGC-Infonet program, provides Internet access.

In spite of infrastructural constraints, the University has been maintaining its academic excellence. The University has strictly adhered to the academic calendar, conducted the examinations and declared the results on time. The students from the University have found placements not only in State and Central Government Services, but also in various institutions, industries and organizations. Many students have emerged successful in the National Eligibility Test (NET).

Since inception, the University has made significant progress in teaching, research, innovations in curriculum development and developing infrastructure.

About IDE

The formal system of higher education in our country is facing the problems of access, limitation of seats, lack of facilities and infrastructure. Academicians from various disciplines opine that it is learning which is more important and not the channel of education. The education through distance mode is an alternative mode of imparting instruction to overcome the problems of access, infrastructure and socio-economic barriers. This will meet the demand for qualitative higher education of millions of people who cannot get admission in the regular system and wish to pursue their education. It also helps interested employed and unemployed men and women to continue with their higher education. Distance education is a distinct approach to impart education to learners who remained away in the space and/or time from the teachers and teaching institutions on account of economic, social and other considerations. Our main aim is to provide higher education opportunities to those who are unable to join regular academic and vocational education programmes in the affiliated colleges of the University and make higher education reach to the doorsteps in rural and geographically remote areas of Arunachal Pradesh in particular and North-eastern part of India in general. In 2008, the Centre for Distance Education has been renamed as "Institute of Distance Education (IDE)."

Continuing the endeavor to expand the learning opportunities for distant learners, IDE has introduced Post Graduate Courses in 5 subjects (Education, English, Hindi, History and Political Science) from the Academic Session 2013-14.

The Institute of Distance Education is housed in the Physical Sciences Faculty Building (first floor) next to the University Library. The University campus is 6 kms from NERIST point on National Highway 52A. The University buses ply to NERIST point regularly.

Outstanding Features of Institute of Distance Education:

(i) At Par with Regular Mode

Eligibility requirements, curricular content, mode of examination and the award of degrees are on par with the colleges affiliated to the Rajiv Gandhi University and the Department(s) of the University.

(ii) Self-Instructional Study Material (SISM)

The students are provided SISM prepared by the Institute and approved by Distance Education Council (DEC), New Delhi. This will be provided at the time of admission at the IDE or its Study Centres. SISM is provided only in English except Hindi subject.

(iii) Contact and Counselling Programme (CCP)

The course curriculum of every programme involves counselling in the form of personal contact programme of duration of approximately 7-15 days. The CCP shall not be compulsory for BA. However for professional courses and MA the attendance in CCP will be mandatory.

(iv) Field Training and Project

For professional course(s) there shall be provision of field training and project writing in the concerned subject.

(v) Medium of Instruction and Examination

The medium of instruction and examination will be English for all the subjects except for those subjects where the learners will need to write in the respective languages.

(vi) Subject/Counselling Coordinators

For developing study material, the IDE appoints subject coordinators from within and outside the University. In order to run the PCCP effectively Counselling Coordinators are engaged from the Departments of the University, The Counselling-Coordinators do necessary coordination for involving resource persons in contact and counselling programme and assignment evaluation. The learners can also contact them for clarifying their difficulties in their respective subjects.

SYLLABI-BOOK MAPPING TABLE

Political Thought

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Unit 2: Hobbes Locke J.J. Rousseau	Unit 2: Hobbes, Locke and J.J. Rousseau (Pages 21–44)
Unit 3: J. Bentham	Unit 3: Jeremy Bentham (Pages 45–60)
Unit 4: J.S. Mill	Unit 4: John Stuart Mill (Pages 61–78)
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INTRODUCTION

Every single individual, at one point or another, in his or her life, has thought about the kind of society they would like to live in. Those who become seriously interested in the field have looked towards the theories of political philosophers through the ages to give coherence to their own ideas on society. Thus, it would not be an exaggeration to state that from Aristotle to Marx, the thoughts of great political thinkers on subjects as varied as liberty, justice, state, law and property have provided the foundation for the shaping and the development of human society.

The political environment around the world has been moulded by the thinking and visions of famous thinkers like, Plato, Aristotle and Karl Marx. All their theories were based on philosophies, which covered subjects like, freedom, law, justice, rights, authority and property. These theories have set a base for triggering revolutions and global changes. The majority of political ideologies of the world owe their guidance to these thinkers. Every person, who is studying political science, has to have a clear understanding of the political theories of thinkers like Hobbes, Locke, Rousseau and J.S. Mill. This understanding is critical for analysing any situation in the current scenario of global politics.

The book *Political Thought* has been designed keeping in mind the self-instruction mode (SIM) format and follows a simple pattern, wherein each unit of the book begins with *Introduction* followed by *Unit Objectives* to the topic. The content is then presented in a simple and easy-to-understand manner, and is interspersed with *Check Your Progress* questions to test the student's understanding of the topic. A list of *Questions and Exercises* is also provided at the end of each unit, and includes short-answer as well as long-answer questions. *Key Terms*, *Activity* and *Did You Know* are useful tools for effectual recapitulation of the text by the students. The *Summary* section is a useful tool for students and is meant for effective recapitulation of the text.

The book is divided into ten units:

Unit 1: Niccolo Machiavelli

Unit 2: Hobbes, Locke and J.J. Rousseau

Unit 3: J. Bentham

Unit 4: J.S. Mill

Unit 5: F. Hegel and T.H. Green

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INTRODUCTION

The first step in the design of a control system is the selection of the desired closed-loop transfer function. This is done by specifying the desired steady-state error, the desired transient response, and the desired stability margins. The desired closed-loop transfer function is then used to determine the required controller. This is done by using the root locus method or the frequency response method.

The root locus method is a graphical technique for determining the poles and zeros of the closed-loop transfer function as a function of the gain. It is used to determine the stability and transient response of the system. The frequency response method is a technique for determining the magnitude and phase of the closed-loop transfer function as a function of frequency. It is used to determine the steady-state error and the stability margins of the system.

The design of a control system is a complex task that requires a deep understanding of the underlying principles of control theory. This book provides a comprehensive introduction to the subject, covering the basic concepts and the design techniques. It is intended for students and engineers who are interested in the design of control systems.

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UNIT 1 NICCOLÒ MACHIAVELLI

Structure

- 1.0 Introduction
- 1.1 Unit Objectives
- 1.2 Niccolò Machiavelli
 - 1.2.1 Machiavelli's Methods: Child of Renaissance
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1.0 INTRODUCTION

Niccolò Machiavelli was a philosopher, author and Italian politician whose ideas serve as the foundation of modern political science. He was a Renaissance man in every sense of the term. Niccolò Machiavelli was a diplomat, a political philosopher, a musician, a poet and a playwright, but the most important role that he played was that of a civil servant of the Florentine Republic. Machiavelli, along with Leonardo da Vinci, is often cited as a prime example of the Renaissance Man. Machiavelli's *Prince* lays down realistic political discourse. However, both, *The Prince* and the *Republican Discourses* that dealt with more serious issues, were not published until after Machiavelli's death. Irrespective of his personal beliefs (still considered as controversial in some aspects), Machiavelli is read widely and is considered to have a clever and astute intelligence. Machiavellianism represented the cold-blooded politics and treachery that was used to obtain and retain political power.

1.1 UNIT OBJECTIVES

After going through this unit, you will be able to:

- Explain the chief political theories of Niccolò Machiavelli
- Discuss Machiavelli's separation of politics from ethics
- Describe Machiavelli's Erastianism
- Discuss the doctrine of aggrandizement

1.2 NICCOLÒ MACHIAVELLI

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Life Sketch

Niccolò Machiavelli was born on 3 May 1469 in Florence (Italy). He has authored the well-known book, *The Prince*. He worked as the Secretary to the Second Chancery, the Government of Florence. During this job, he got the opportunity to gain first-hand knowledge of national and international politics. It was while working as an envoy that he went to Paris, Rome and to the court of Cesare Borgia. Machiavelli's long experience gave him enough expertise of statecraft. In this capacity, he was at the centre of the political life of Florence. Machiavelli was the first exponent of power-politics. His concern was not only the internal life of the city but since its very existence depended on maintaining a balance in the ever-shifting relationships between the city states of Italy and the great powers beyond the Alps. He also contributed greatly in the direction of foreign affairs. In 1512, the republic came to an end and with it ended Machiavelli's political career.

Effect of the Political Environment on Machiavelli

Machiavelli had a keen observation and a sensitive disposition. The political and intellectual tendencies of the medieval age greatly influenced him. He exhibited these influences through his political philosophy. At the beginning of the 16th century, the Councilor Movement was stopped by the monarchist reaction. This movement propagated and supported democratic beliefs and a government that was based on an established set of principles of governance, both in the church and in the state. The Pope re-established his supreme position over Church Councils. On the secular front, absolute monarchies reasserted themselves in all the important states and deterred the feudal assemblies and feudal aristocracy for the time being. However, this monarchic reconsolidation did not have much influence in Italy at the time. No ruler of the Italian states, namely, Venice, Naples, Milan, Florence and Papal State, could affect a consolidation of the whole Italian empire. The Italian politics during this period was influenced by constant intriguing by ambitious potentates, local as well as foreign. In this way, political turmoil became common in Italy, and so did internecine wars. The political leaders of Italy seemed to be more inclined to achieve their motives rather than care for public interests. Statecraft and the law of public morality became the main source of defence. Machiavelli was not able to keep himself aloof from the political situation in Italy, which had become alarmingly complicated and depressing. His main wish was to secure independence for Italy and restore prosperity to its cities. It was Machiavelli's firm belief that the basis of contemporary politics was selfish political seizure and violence and not good Christian ethics. Though Papacy was successful in maintaining some law and order, the Holy Roman Empire continued to disintegrate, and international relations continued to become chaotic.

Spirit of Renaissance

In addition to feeling deeply pained about the chaotic politics of Italy, the growing spirit of the Renaissance in Italy and the wave of unrestrained intellectual freedom from the hold of scholastic dogmas and ancient beliefs strongly influenced Machiavelli. This comprised of a pre-Christian attitude towards religion and morality. During the Middle Ages, the functions of the church and the state were closely linked, and the

church dominated the state and influenced its political philosophy to a great extent. With the advent of the Renaissance, people began to challenge the point of view of the clerics, and to formulate political theories of a secular bent. Machiavelli became the chief exponent of this new thinking.

School of thought

Machiavelli's period was the transition stage between the middle and the modern ages. Spirituality, salvation and God dominated the dogmatic Christian theology, and the idea of social morality being governed by free thoughts was incomprehensible to most. The Renaissance influenced man, and sharpened his dignity and individualism. There was less focus on God and religion which were the chief entities and subjects of study earlier. The Renaissance guided the era of the rationalists who viewed God, man and nature from the standpoint of reason and not faith. International conflicts propelled the development of nationalism and nation-state which stood in opposition to medieval universalism of church and state. Self-assertion, individualism and disregard of conventional morality were promoted by these new conditions. Machiavelli genuinely represented his times. A strong reflection of his representation was seen in his mental processes, in the core of his research, in his aims and ideals, in his realistic viewpoint, in his hedonistic morality, in his empiricism and in his nationalism. Machiavelli, like the medieval scholars and thinkers, his imagination was influenced by the great Greek philosopher, Aristotle. He criticized the rigid version of the Christian scriptures, the church's version of these scriptures, the rampant corruption in the church and the way the church and the state wrestled for power and dominion with each other. According to Machiavelli, human problems were deeply linked to the basics of human nature. Human nature was essentially the same everywhere every time, and Machiavelli manifested this phenomenon by understanding the present with the help of the past.

1.2.1 Machiavelli's Methods: Child of Renaissance

As a child of Renaissance, Machiavelli was not concerned with medieval problems and had no use for medieval postulates, Christian principles of justice and morality and deductive methods of study employed by medieval thinkers. Medieval appeal to authority and scriptures and a priori reasoning did not suit him. He got his inspiration from Aristotle. Like Aristotle, he preferred to generalize from particulars. He followed the empirical method of observation that was reinforced by historical method. He conducted a deep study and analysis of contemporary politics, came upon conclusions and made his conclusions more effective with the support of historical evidence. Ancient Roman history offered him the most convenient parallels and political truths. He relied on history because he believed that one, who desires to foresee what is going to take place, should consider what has already taken place. Machiavelli provides modern examples in *The Prince* and cites several examples from ancient history in *The Discourses*.

Machiavelli specifically believed in the historical method, because he preferred practical rather than speculative politics. As a realist in politics, he did not care much for the philosophy of politics. Machiavelli's works set forth a theory of the government and the actual working of its machinery rather than the state and the abstract principles of constitution. Machiavelli looked at things from the viewpoint of a ruler rather than from that of the ruled. For Machiavelli, a deed which may be immoral for an individual

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could be moral for a ruler if it is in the interest of the state. It was his belief that public morality and private morality were different and based on circumstances. In his writings, Machiavelli rejected the doctrine of natural law. His view was that a man's virtue is a collective measure of his power, fame and intellect. Hence, for 'virtue' it is inappropriate to impose any restraints by general principles which natural law implies. He revolted against medievalism and the doctrine of natural law by refusing to accept the coexistence of the clerics and the secularists.

1.2.2 Machiavelli's Conception of Human Nature

Machiavelli was similar to John Calvin and Thomas Hobbes as he did not subscribe to the school of thought that believed in the essential goodness of human beings and human nature. He held that man was an uncomfortable blend of bravery, folly and weakness and was easy to hoodwink and lord over.

It is not difficult to understand why some thinkers choose to give so less credit to human nature. Men are not generally rational and their emotions often dictate their actions. His belief that men were wicked and essentially selfish was similar to that of Hobbes. Human conduct is governed by motives such as selfishness and egoism. Men are 'ungrateful, fickle, deceitful, cowardly and avaricious'. Being good is more of a necessity than a choice. Men have no general inclination towards goodness and are more easily corrupted than reformed. They are good by necessity and are compelled to form societies in order to live in security provided by the laws of society. The element of fear dominates life more than love. Fear should therefore be personified by a prince. A prince who is feared knows his true position among his subjects. He should be able to create fear in their minds, without the presence of hatred or contempt.

'Love of wealth and ambition and enemy are powerful motives of human action. Men always commit the error of not knowing when to limit their hopes. Man is acquisitive and wants to add to what he already enjoys. He wants secularity. He also desires liberty that is independence of others and feels that the best way of ensuring liberty for him is by establishing dominion over others. Men are constantly ambitious and discontented with their lot. This leads to strife between men and societies. Machiavelli does not give a systematic exposition of human psychology as was done by Hobbes who drew largely on Machiavelli for his conception of human nature.'

Machiavelli's concept of human nature has, inevitably, coloured his theory of the state, the ends of the state and his views regarding the methods of achieving those ends. It leads to divorce between Ethics and Politics. His concept goes against the Aristotelian view of the essential sociability of man and leads to the conclusion that the state is not a natural organism, but a contrivance against the evil nature of man. It must be pointed out that his concept of human nature is empiric. It is not based on any scientific or rational analysis.

There are similarities between Machiavelli's theory of human nature and John Calvin's doctrine of Original Sin. Machiavelli does not subscribe to the idea of man's moral evolution. According to him, man's moral and ethical conduct is not mutable. In a similar vein as Hobbes, Machiavelli did not present human nature in a very positive light. His political ideas are based on his analysis of human nature.

Before Machiavelli, political thought centred around one problem, i.e., the end of the state. Political power of the state was only a means in the service of a higher end, i.e., securing of good life. Machiavelli's thought is based on the concept that power is an end in itself. Machiavelli, therefore, addresses himself to the discovery of

means to 'acquire, retain and expand power'. Machiavelli was the first thinker to use the word 'state' in its modern connotation.

The Prince

The Prince by Machiavelli has twenty-six chapters. These chapters are divided into three divisions. The first division comprises of a general introduction that dwells upon the different types of absolute governance. The second division criticizes the prevailing system of mercenary troops and furthers the cause of the establishment of a national army. The third division of the book is the most essential part as it carries the substance of Machiavelli's philosophy. This part elaborates on the ways through which a prince can learn statecraft and the rules of state governance. Machiavelli is specifically addressing the 'new prince', i.e., one who was a usurper of power or a leader of men who had seized a state with force or craft.

The Prince is based on two important premises that have been chiefly derived from Aristotle. The most essential of these premises is that affiliation to the state is the highest form of social human condition, and the state should work towards the promotion of human welfare. Machiavelli maintains that all individuals who constitute a state should merge themselves in the state so that an individual is able to attain his best self. Therefore, it is essential that state welfare should take precedence over individual or group welfare. Another premise is that individual and public actions are governed by material forces. Thus, when it comes to governing a state, the ruler or the prince must pursue self-interests. There is essentially no need to consider the ethical dimension of these interests. Machiavelli ends up identifying the state with the ruler.

For Machiavelli, similar to ancient Greeks, virtue lay in functional excellence. These characteristics (cunning, deceit, and ruthlessness, energy, boldness, shrewdness and unflinching will) were virtuous for a prince who was adept in yielding success and power.

In *The Prince*, a handbook on government, Machiavelli lays down certain guiding principles for the ruler. The ruler must not only be strong, but must exhibit his strength when necessity arises. 'A Prince must not mind incurring the charge of cruelty for the purposes of keeping his subjects united and faithful.' He ought to try to be both feared and loved. He must, however, see to it that neither cruelty nor fear is used for its own sake. A ruler must keep a watchful eye on the dissidents and the disaffected. He must not be weighed down by conventional moral standards. 'It is necessary for a Prince who wishes to maintain himself to learn how not to be good'. A prince must always retain the initiative and power of decision with himself and in everything.

One of the most effective means through which a prince maintains his power is by clearly using the sentiments of the people, particularly the religious sentiments. Men are generally tradition bound. A prince, while introducing reforms, must keep the people's love of tradition in mind. He must keep up appearances of old institutions while changing them.

Chapter XVIII of *The Prince* expresses Machiavelli's notion of the qualities that were to be inherent in a successful prince. 'Virtue' in the 16th century did not have the moral import, which is attached to it nowadays; it only meant 'qualities' of a man. In theory, integrity may be preferred and valued over deceit and connivance, but in the practical world, craftiness and ingenuity prove to be more helpful. Law and

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force are two essentials that the state can depend on for its success. A prince should be both rational and brutal, the latter in turn representing a judicious combination of the lion and the fox. A ruler needs the qualities of a lion in organizing and undertaking military expeditions and stirring men to action. He needs fox-like qualities in diplomatic and administrative affairs. By fox-like qualities, he can create and maintain a lion-like image of himself. A prince who is prudent is not required to keep his words and promises when they conflict with his own interests and 'when the reasons which make him bind himself no longer exist'. Hypocrisy is a positive quality for a prince, and he must be as clever as a fox. He should have the dexterity to hide his real motives and inclinations from his subjects. To Machiavelli, it was *raison d'être* to preserve the state of monarchy. For a prince all his neighbours are potentially his enemies, and so, he should always be cautious. A clever prince will attack his enemy without being prepared. He will consolidate and be aware of the internal unity of his state, not by surrendering his powers to the people but by establishing thorough despotism. Since the human conduct is fundamentally associated with economic motives, a prince should be focussed on all that is required to keep his subjects from experiencing economic problems. A prince might execute a conspirator, but he should never confiscate his property. Confiscation would be considered more of a serious issue by the affected family rather than execution.

A prince must avoid being condemned or hated. He will be condemned if he builds a reputation of being variable, inconsistent, effeminate, cowardly or irresolute. He should show in his actions grandeur, courage, gravity and determination. A prince should be a good dissembler and should seem to be merciful, faithful, human, religious and upright. Machiavelli believed that a prince should not be emotionally disturbed, and should have the capability of using other people's emotions. A prince must be a cool and calculating opportunist. He should have the ability of opposing evil with evil. If the interest of the state demands, he should be prepared to commit any sin without hesitation. His purpose should not be deterred by any other trace of emotion except love for his state, for which he should be prepared to sacrifice his soul too. As far as state is concerned, a prince need not feel burdened by any childish consideration of justice or injustice, good or bad, right or wrong, mercy or cruelty and honour or dishonour. He advises the prince to use subtlety to deal with the affairs of the public. He believed that dishonesty is the best of polity. It is a fact that Machiavelli considered himself a physician of the state. The ethics of his patient's public actions were not his concern. He was only concerned with offering ways in which the state could be maintained at all costs, but he did not consider why it was necessary.

1.2.3 Separation of Politics from Ethics and Religion

Machiavelli broke away from the tradition upheld by Plato, Aristotle and medieval thinkers which looked at the state in terms of its ethical purpose of making men happy and good. Machiavelli did not pay much attention to ethics in his political theory about the state. The state is manifested as an entity that has its own interests. State-power was an end in itself and not a means to a higher moral end of promoting special welfare. Machiavelli justified the actions of the state by focusing on its interests. According to him, laws were to be created by the state and individual ethics did not apply to the actions of the state. Machiavelli prescribed double standards of conduct for the ruler and for individual citizens. These double standards were based on the theory that it is the duty of the ruler to form laws as well as determine the moral obligations of the subjects. The law must sustain these moral obligations in the best

possible ways. As such a rule is above both. The state will be ruined if the prince allows his individual morals to interfere in public affairs upon which the external and internal security of the state depends. There was a difference in the public and private standards of conduct. In the case of an individual, it was always wrong to lie. However, it was often important and favourable for a ruler to do so in the interest of the state. The state is a non-ethical entity. Machiavelli's belief was the same as that of Thrasymachus, who stated that the sovereign would do well in establishing justice in the state. After all, the safety of the state held supreme importance.

It was Machiavelli's belief that the state was the highest form of human association, and that man was primarily obligated to the state. His belief also stated that the state should be considered more important than any ethical considerations. Public interests held the highest degree of potential than any other motive for political action. The standards of action for the public were not the same as private standards. It was not right for a subject of the state to kill another, but the state is justified in killing an individual in the form of punishment for his crime. A murderer is hanged by the state to ensure public safety as public interests should be protected first and foremost over private interests which are more important than the private interests of the criminal. Private interests of ethics are not related in any way to public conduct and neither to that of the criminal. Private interests of ethics are not related to public action. Public conduct cannot be called inherently good and neither can it be termed as bad. It is good if its results are good. It is possible for a good citizen to be a bad man in the form of one who values nationalism and patriotism. A citizen acts only for his own self, whereas the state acts for everyone and hence the same principles of conduct are not applicable to both. The state is neither moral nor immoral. It is not a moral entity like the individual and, therefore, individual ethics do not apply to it.

This scheme of thought suggests that Machiavelli did not give much importance to ethics, or for that matter religion in his system of political philosophy. This was the main factor which differentiated him from the medieval writers. Though Aristotle was one of the early scholars to distinguish ethics from politics, still he had not separated the two concepts, whereas Machiavelli completely separated the two entities. He valued moral virtues, but these found no resonance in his political philosophy. Machiavelli agrees that qualities like liberalism, mercy, fidelity, courage, chastity and sincerity make a good man and adds, 'I know that everyone will confess that it would be most praiseworthy for a prince to possess all the above mentioned qualities which are held to be good.' Again, 'one cannot call it a virtue to murder one's fellow citizens, to betray one's friends, to be without faith, without mercy, without religion.' Here the word virtue is used by Machiavelli in the conventional sense. Morality was not denied but was treated as secondary to politics, and hence, Machiavelli 'was not immoral but unmoral in his politics'. To Machiavelli, there is no absolute good or evil. That which serves the interest of the individuals and of the community and which brings security is good. Machiavelli, like the Jesuits, has the same definition for means as those that justify the end. Machiavelli may be called the 'founder of utilitarian ethics'.

1.2.4 Machiavelli's Erastianism

Erastianism is a doctrine that states that the state should have supremacy over the church in all ecclesiastical matters. Machiavelli did not believe in a supernatural end. Men value things like material prosperity, power and fame and disbelieves in a supernatural end. Machiavelli has no use for the divine law. He not only separated

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Check Your Progress

1. Political and intellectual tendencies of which age influenced Machiavelli?
2. Name Machiavelli's famous work.
3. From whom did Machiavelli get his inspiration?
4. With what did Machiavelli's theory of human nature resemble closely?

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morality from politics but also relegated religion to a very subordinate position in his political system and it is because of this that we think that the modern study of politics begins with Machiavelli. For centuries, politics and religion had been intertwined. Politics was, in fact, the handmaid of religion. Some of the best medieval thinkers subordinated the state to the church. As a political realist, Machiavelli realized that passive Christian virtues, like gentleness and meekness, had little bearing on the sordid Italian politics of the day where success followed only the pagan virtues of courage, audacity, cunning and duplicity. Italy had no place for Christianity for, as represented by papacy, it was deliberately impeding the realization of Italian unity. Once again, Machiavelli was not irreligious, but non-religious. He was more attracted to the propagandist utility than to the doctrinal virtue of Christianity. Machiavelli knew the public utility of the binding force of religion without which the state could not exist. He looked upon devotion to religion as a useful weapon in the hands of statesman to be skillfully used in furtherance of the ends of the state. He took a pagan rather than the medieval ecclesiastical view of religion. To Machiavelli, the church was a department of the state and not independent of it. The church had a place within the state but not above or beside it. Properly used, it could reinforce a citizen's sense of duty to the state. Machiavelli must be reckoned as the last of the great line of medieval secularists who urged the subordination of the church to the state.

A good deal of criticism attaches to Machiavelli for his cynical disregard of morality and religion. Machiavellianism has become a byword for unscrupulousness. Machiavelli wrote *The Prince* and *The Discourses* primarily from the point of view of the preservation of the state, every other consideration being secondary. The growing success of men like Caesar Borgia and the active contact of Machiavelli with him reacted strongly on the mind of the philosopher in favour of the 'strong man', capable of other's emulation. In *The Prince*, Machiavelli tries to idealize Borgia. On the other hand, Machiavelli had been very unfavourably impressed by the collapse in Florence of Savanorla's regime which was based on the shaky principle of moral excellence, unsuited as it was to the Italy of his day. Morality and religion had very little touch with the actual Italian politics in the days of Machiavelli, who in this respect was a mere creature of his time. Machiavelli, when he discarded morality and religion from his political philosophy, acted like a realistic painter, for he had more of the Aristotelian than the Platonist about him. The onrushing wave of Pagan Renaissance had greatly weakened the hold of Christianity and Christian morality on the minds of the people. It appeared then that Christianity had ceased to function and that new standards of conduct based on self-interest were necessary, and therefore, justifiable. It was not surprising then that morality or religion has no place in Machiavelli's political theory. Ethics and religion were social forces, working within the state, not above it.

1.2.5 Classification of Government

For a thinker of his capability, Machiavelli classified the forms of government in a rather disorganized way. He accepted the way Aristotle classified the government as monarchy, aristocracy and constitutional democracy, with tyranny, oligarchy and democracy being their perversions respectively. He also endorsed the ideas of Polybius and Cicero who called for a mixed type of constitution with proper checks and balances as the best and the most suitable constitution for a state. But his definition of the balance was economic or social but not political. Machiavelli held his belief in economic determinism, and he connected wealth with political power. An economic interest existed behind this struggle for political liberty. Machiavelli was inclined to be a

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republican more than a monarchist. According to him, a republican form of governance was most suitable for a political community where there was a general economic equality. A republic is capable of maintaining its traditions and reconcile to new changes in a better way than a sentimental prince. In order to ensure more streamlined and universal material prosperity, a republican system of government is preferred, as a republic government can provide equal opportunities to all the subjects. A republican system has a higher level of endurance and is more liberal than most monarchies. In a group, people exhibit more prudence and judgment qualities and are able to choose officers of a better type, than a prince who is influenced by the court.

An aristocracy, specifically a landed aristocracy, could often lead to unnecessary feuds and chaos, and would oppose the formation of a state. Machiavelli neither endorsed a republic nor a monarchy. He had no preconceived preference for majority or minority rule. His prime concern was an efficient state. To achieve this motive, he suggested the need for an extra-legal sovereign. He knew that a state needed to have different kinds of governments at different points of time. Machiavelli was of the opinion that in the Italy of his day, an elective monarchy would be more suitable than a republican form of state. The most important requirement of Italy then, was deliverance from the foreigners (German, French and Spanish) and a wise and strong elective prince suited this requirement better than a republic. Machiavelli held his belief in the cyclical character of the forms of government.

In *The Prince*, Machiavelli makes a strong plea for monarchical absolutism whereas in *The Discourses*, he pleads for democracy or popular share in government. The fact is that he admired both monarchical despotism and popular government as suiting different conditions and situations. Despotism was more suited than democracy in his founding of a new state by revolution or in the reforming of a corrupt state. But once the state has been founded, it can become stable only if there is popular support to it arising from popular participation in the government. A monarchical state becomes stable only if the ruler rules in accordance with law and respects the property and other rights of the people. Thus, despotism is good when there is the need to find a new state by force or cleanse a corrupt one by revolution, while democracy is good in settled states.

Machiavelli's administration for despotism and democracy were not consistent and can only be explained on the basis that he had 'one theory for revolutions and another for government'. Despotism is suitable for revolutionary times and popular government is suited to peaceful and well-settled states.

Law-giver and law

Machiavelli assigns an important position to law-giver and law in his scheme of things. Force, fraud and fear are no solid foundations for the society and the state, and their use by the ruler needs to be reinforced by some force which has a greater appeal to man and which is law. Law is indispensable for the society and the state. It moulds the national character of the people. It inculcates moral and civic virtues in individuals. These virtues are good for all states but are indispensable for republics.

'In view of the selfish nature of man, law is the most effective means of holding the society and the state together because it compels the egoistic individual to honour his moral obligations. For this reason a wise law-giver is of supreme importance. He is the architect not only of the state but of society as well, with all its moral, religious and economic institutions.'

A realist in politics

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Machiavelli, with his sensitive mind and clear insight, saw clearly the direction of political evolution in Europe towards an absolute monarchy, supreme within the state and independent of control by any external universal authority. He realized that medieval institutions had become defective and that nationalism was becoming a vital force. He saw clearly the moral and political corruption all around him. He wrote on the basis of the realities of his own day.

Machiavelli mainly studied practical and not speculative politics. Being a realist in politics, he did not care much for political philosophy. He concentrated on the preservation and strengthening of the state and was not bothered about the excellence of its constitution. He writes about almost nothing except about practical politics, statecraft and the art of war. He divorces them almost wholly from religious, social and ethical considerations. He writes about the means by which the state could become strong, about politics by which they could expand their territories and power and about factors which cause political decay and destruction. He judges state and ruler, not by the ethics of their public action but by the degree of success or failure attending these actions.

The political realism of Machiavelli is apparent from his classic, *The Prince*. It is not an academic treatise or a book on political science or political philosophy as such. It is one on practical politics. It is a treatise on the art of government suggesting the means that might enable a ruler to achieve political success and stabilize power for him. As a realist in politics, Machiavelli recommends to the ruler those virtues which bring success such as cunning, deceit and ruthlessness. Like a practical realist, he points out that 'Men always commit the error of not knowing where to limit their hopes'. The political realism of Machiavelli is apparent from the fact that the means, which he suggests for the preservation and strength of monarchical states, are not the same as those for republican state.

Machiavelli writes as a realist painter, mirroring the conditions and trends of his own day when there was almost a constant struggle for power between Italian rulers. His realism is well brought out by his doctrine of aggrandizement, which he advocates both in *The Prince* and *The Discourses*. Machiavelli insists that everything can be justified by interests of the state. The safety of the state was supreme law. By his political realism, Machiavelli brought political theory in line with political practice.

1.2.6 Doctrine of Aggrandizement

In *The Prince* and *The Discourses*, Machiavelli insisted on the necessity of expanding the realms of the state. Both monarchies and republics exhibit an overwhelming inclination to expand. His theory of extending the dominion of a state did not mean 'the blending of two or more social or political organisms, but as consisting in the subjection of a number of states to the rule of a single prince or commonwealth'. According to Machiavelli, a state must either grow or eliminate and it was easier to extend the dominion in one's own country because common language will only help the subjects of the conquered state to assimilate with the subjects of the prince's land. Machiavelli held his belief on the Roman state and its policy of expansion in the form of an idea. The use of force was essential for political aggrandizement and for the perpetuation of state. However, force should have a judicious combination of statecraft. The doctrine of aggrandizement is a highlight of Machiavelli's political philosophies and emphasizes the hints of moral apathy that most of his theories can be said to

contain. It must be realized that a rational thinker like Montesquieu supports Machiavelli when he writes, 'The right of natural defence sometimes involves the necessity to attack, if one nation notices that a longer lasting peace would put another one in the position to destroy her.'

Both *The Prince* and *The Discourses* are expressions of Machiavelli's theories pertaining to the perpetuation of the state. When a prince wants to perpetuate monarchy, he must try to uphold the traditions and customs of the people because these are dearer to his subjects than even liberty and life. When the use of force and fear has been made for the establishment of the government, a prince should have a well-trained army of his own subjects. He should draw on the spoils of war more than on the regular public treasury. He must be enterprising and promise his subjects that he will build a grand empire. The imposition of heavy taxes is strictly prohibited. It is also important for the prince to be a patron of art and literature. For Machiavelli, an ideal prince is an enlightened despot who is without morals. In a republic, it is very important for the constitution to be flexible. The law of the land should change in keeping with other changing aspects of the republic. Machiavelli justified occasional dictatorship and party strife in a republic.

1.2.7 Machiavelli's Modernism

Machiavelli was hardly a political theorist. His writings are directed more towards how to govern a state rather than offering a philosophy of the state. Niccolò Machiavelli is often termed as the father of modern political theory. There are several modern theorists whose theories are based upon Machiavelli's theories. He had used the term 'state' in a different context as compared to the context in which it is used now. Its use now is something that has a defined territory, population, government and sovereignty of its own. Bodin and Grotius' theory of legal sovereignty was built on Machiavelli's concept of a sovereign and territorial secular state. This was formulated properly by John Austin and Thomas Hobbes, who borrowed the concept of human nature from Machiavelli. Hobbes believed that man is a brute with a huge ego and his actions are motivated by fear. Machiavelli can rightly be placed among the first modern, totalitarian thinkers.

Machiavelli reinforced the precedence of material interests over spiritual ones. He defied the state and supported the theory that individuals should be completely absorbed by the state. Machiavelli's ideas were similar to the ideas of Hegel, who established a parallel between the state and God on earth. Machiavelli's theory of aggrandizement resembles the modern theory of power-politics on which thinkers like Nietzsche, Treitschke, Bernhardi and others have written a lot. Modern thought is based on the inapplicability of medieval concepts to modern society, transformed by the Renaissance and the Reformation. Due to the Universalism of the Papacy and the Empire, there was no concept of territorial sovereignty in the Middle Ages. Sovereignty is the authority of a state to govern itself. The first need of the modern period after the papacy and the Empire had been discredited was to evolve a concept of sovereignty which could withstand the tendencies of feudalism to divide the state into smaller units and the weak pretensions of papacy and empire. This was done by Machiavelli and after him by Bodin, Grotius and others. Machiavelli is responsible to a great extent for the way we perceive state in the modern times. Machiavelli rejects the notion of universal authority. For him, the 'state is the nation'. He has freed the state from the medieval bondage of religion.

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The problems of Machiavelli's Prince are of everlasting interest because they are the problems of efficient government. Even the ethics of Machiavelli is not out of debate in the modern world which relies on material forces rather than moral ones. Machiavelli is the father of real politik. He refuses to idealize anything. He writes about men and affairs as they are and not as they should be.

It has been said that Machiavelli's theories are aimed at preserving states, rather than being mere theories that only theorize. So, his theories have a specific purpose, i.e., the preservation of states and state power. Machiavelli was a political realist rather than a political philosopher. His thoughts are related to the conditions and needs of the Italy of his day. Machiavelli was not interested in political philosophy or political ideals as such. Italy, of his day, was torn among petty states, almost constantly at war with each other and with constantly changing frontiers. Machiavelli called upon to suggest ways and means of preserving the state from internal revolutions and foreign attacks which were the order of the day.

Neither in *The Prince*, nor in *The Discourses*, does Machiavelli expound his views about the state as such and its various attributes. He does not directly deal with concepts such as sovereignty, separation of powers, etc. He is interested in political maxims rather than political ideals. Often, he takes his principles or maxims for granted instead of giving a systematic exposition of them. He was a pragmatist, and the theory of the state as such did not interest him.

The influence of Machiavelli on modern political science and practice has been tremendous. Princes like Frederick the Great were essentially Machiavellian though Frederick had the boldness to repudiate Machiavellianism in his *Refutation Prince de Machiavelli*. Machiavelli contributed in bringing political theory on the same plane as political practice. It must be noted that in the Middle Ages, the two were, on the whole, out of harmony with each other. Machiavelli can rightly be termed as a political scientist who gave more importance to the ends, and not the means. At the same time, his theories were inherently non-idealistic. Machiavelli employed an empirical approach to most issues. He combined political theory and political practice in his approach. Pragmatism was inherent in all his political philosophies. This realism of Machiavelli is well illustrated by the doctrine of aggrandizement. Aggrandizement was the order of the day in Machiavelli's Italy. Absorption of other states or by other states was the order of the day. This doctrine of aggrandizement must have carried weight later on with government and with princes like Frederic the Great and Henry VIII of England, etc. Jesuits in the century stood for Machiavellianism in the realms of Ethics and Politics.

Sabine characterizes the political thought of Machiavelli as narrowly local and narrowly dated. There is a certain measure of truth in this observation, which, however, is too categorical to be completely correct. Machiavelli's thought is local because it reflects and was provoked by the conditions and needs of Italy of his day. Machiavelli wrote as an impassioned Italian patriot, practically ignoring the world outside Italy. His thought was local also in the sense that it was not in consonance with contemporary European thought outside Italy. It was, however, not narrowly local in the sense that it reflected only conditions and needs of Italy. The conditions in other European countries, particularly Germany, were not very different from those obtaining in Italy. The same observation may be made regarding Machiavelli's thought being 'narrowly' dated. Writing before the Reformation and Counter-Reformation movements, Machiavelli wrote on the basis of separation of politics and religion. He could treat

religion with contempt in Italy of his own times when papacy had reached its lowest depth of degradation. His thought, based on divorce between politics and religion, became inapplicable during the next two centuries. It must be pointed out, however, that his thought was not 'narrowly' dated because from the middle of the 17th century, political thought readopted Machiavelli and became secular. A good deal of Hobbe's thoughts is based on Machiavelli's thinking. Modern thought, based on a secular, sovereign, national and territorial state, borrows from Machiavelli. In this sense, Machiavelli is a modern thinker, and it will not do to characterize his thought as 'narrowly' dated.

ACTIVITY

Find out about Thrasymachus and how he influenced Machiavelli.

DID YOU KNOW?

Machiavelli was continually blasted for his 'support' of corrupt ruling. In fact, Machiavellian now means corrupt government.

1.3 SUMMARY

In this unit, you have learnt that:

- Niccolò Machiavelli was known as the father of modern political theory.
- Machiavelli was a Florentine, and therefore, he was geographically at the core of the the larger Renaissance movement.
- In addition to *The Prince*, all that Niccolò Machiavelli wrote was fairly orthodox and fitted into the conventional mould of the Renaissance.
- In *The Prince*, Machiavelli presents a view about how drastically different is the governance of a state from that of humanists of his time.
- To Machiavelli, a successful ruler was one who could make people happy, irrespective of what he really was inside. He said that 'it is sometimes better to seem good than to be good'.
- In *The Prince* and *The Discourses*, Machiavelli insisted on the necessity of expanding the realms of the state. *The Prince* reflects Machiavelli's concept of real monarchy and *The Discourses*, that of a republic.
- Machiavelli's writings were directed more towards the art of governance rather than on the philosophy of state.

1.4 KEY TERMS

- **Polymath:** A person of great or varied learning
- **Envoy:** A representative of a government who is sent on a special diplomatic mission
- **Statecraft:** The art of conducting public affairs; statesmanship

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Check Your Progress

5. Why is it thought that modern study began with Machiavelli?
6. What was Machiavelli's primary point of view in writing 'The Prince' and 'The Discourses'?
7. What was the cause of factious quarrels and civil disorder?
8. What kind of politics did Machiavelli mainly study?

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- **Hierarchy:** Categorization of a group of people according to ability or status
- **Potentate:** One who has the power and position to rule over others; a monarch
- **Internecine war:** A war between factions or regions of the same country
- **Seizure:** The act of forcibly dispossessing an owner of property
- **Ethics:** The study of the general nature of morals and of the specific moral choices to be made by a person; moral philosophy
- **Papacy:** The system of church government headed by the pope
- **Renaissance:** The humanistic revival of classical art, architecture, literature, and learning that originated in Italy in the 14th century and later spread throughout Europe
- **Dogma:** An authoritative principle, belief, or statement of ideas or opinion, especially one considered to be absolutely true
- **Salvation:** Preservation or deliverance from destruction, difficulty, or evil
- **Theology:** The study of the nature of God and religious truth; rational inquiry into religious questions
- **Individualism:** Belief in the primary importance of the individual and in the virtues of self-reliance and personal independence
- **Rationalist:** Someone who emphasizes observable facts and excludes metaphysical speculation about origins or ultimate causes
- **Universalism:** The theological doctrine that all men will finally be saved or brought back to holiness and God
- **Postulate:** Something assumed without proof as being self-evident or generally accepted, especially when used as a basis for an argument
- **Scripture:** A sacred writing or book
- **A priori:** Proceeding from a known or assumed cause to a necessarily related effect; deductive
- **Doctrine:** A principle or body of principles presented for acceptance or belief, as by a religious, political, scientific, or philosophic group; dogma
- **Medievalism:** The spirit or the body of beliefs, customs, or practices of the Middle Ages
- **Clerics:** A member of the clergy
- **Egoism:** The ethical doctrine that morality has its foundations in self-interest
- **Contempt:** The feeling or attitude of regarding someone or something as inferior, base, or worthless; scorn
- **Contrivance:** The act or faculty of devising or adapting; inventive skill or ability
- **Usurper:** One who wrongfully or illegally seizes and holds the place of another
- **Virtue:** Moral excellence and righteousness; goodness
- **Dissident:** One who disagrees; a dissenter
- **Despotism:** Rule by or as if by a despot; absolute power or authority
- **Conspirator:** One that engages in a conspiracy
- **Confiscation:** Seizure by the government

- **Dissembler:** A person who professes beliefs and opinions that he or she does not hold in order to conceal his or her real feelings or motives
- **Opportunist:** One who takes advantage of any opportunity to achieve an end, often with no regard for principles or consequences
- **Subtlety:** The quality of being difficult to detect or analyze
- **Polity:** The form of government of a nation, state, church, or organization
- **Liberalism:** A political theory founded on the natural goodness of humans and the autonomy of the individual and favoring civil and political liberties, government by law with the consent of the governed, and protection from arbitrary authority
- **Fidelity:** Faithfulness to obligations, duties, or observances
- **Political realist:** Those who share a belief that states are primarily motivated by the desire for military and economic power or security, rather than ideals or ethics
- **Pagan:** An adherent of a polytheistic religion in antiquity, especially when viewed in contrast to an adherent of a monotheistic religion
- **Propagandist:** A person who disseminates messages calculated to assist some cause or some government
- **Secularist:** The view that religious considerations should be excluded from civil affairs or public educations
- **Aristocracy:** A hereditary ruling class; nobility
- **Tyranny:** A government in which a single ruler is vested with absolute power
- **Oligarchy:** Government by a few, especially by a small faction of persons or families
- **Democracy:** Government by the people, exercised either directly or through elected representatives
- **Economic determinism:** A doctrine that states that all cultural, social, political, and intellectual activities are a product of the economic organization of society
- **Prudence:** Careful management; economy
- **Republic:** A political order whose head of state is not a monarch and in modern times is usually a president
- **Nationalism:** Devotion to the interests or culture of one's nation
- **Aggrandizement:** The act of increasing the wealth or prestige or power or scope of something
- **Commonwealth:** A nation or state governed by the people; a republic
- **Montesquieu:** French philosopher and jurist. An outstanding figure of the early French Enlightenment, he wrote the influential *Persian Letters* (1721), a veiled attack on the monarchy and the ancien régime, and *The Spirit of the Laws* (1748), a discourse on government.
- **Reformation:** A 16th-century movement in Western Europe that aimed at reforming some doctrines and practices of the Roman Catholic Church and resulted in the establishment of the Protestant churches
- **Feudalism:** A political and economic system of Europe from the 9th to about the 15th century, based on the holding of all land in fief or fee and the resulting

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relation of lord to vassal and characterized by homage, legal and military service of tenants, and forfeiture

- **Realpolitik:** A usually expansionist national policy having as its sole principle advancement of the national interest
- **Maxim:** A succinct formulation of a fundamental principle, general truth, or rule of conduct
- **Pragmatist:** Person who takes a practical approach to problems and is concerned primarily with the success or failure of her actions
- **Machiavellianism:** The political doctrine of Machiavelli, which denies the relevance of morality in political affairs and holds that craft and deceit are justified in pursuing and maintaining political power

1.5 ANSWERS TO 'CHECK YOUR PROGRESS'

1. The political and intellectual tendencies of the medieval age greatly influenced Machiavelli.
2. In the period of turmoil, Machiavelli wrote his voluminous book *The Prince*.
3. Machiavelli got his inspiration from Aristotle.
4. Machiavelli's theory of human nature has a close resemblance with the Calvinistic doctrine of Original Sin.
5. Machiavelli not only separated morality from politics, but also relegated religion to a very subordinate position in his political system and it is because of this that it is thought that the modern study of politics begins with Machiavelli.
6. Machiavelli wrote *The Prince* and *The Discourses* primarily from the point of view of the preservation of the state.
7. An aristocracy, specifically a landed aristocracy, was the cause of factious quarrels and civil disorder.
8. Machiavelli mainly studied practical and non-speculative politics.

1.6 QUESTIONS AND EXERCISES

Short-Answer Questions

1. When did Machiavelli write *The Prince*?
2. Why did Machiavelli believe in the historical method of politics?
3. How did Machiavelli break away from the tradition upheld by Plato, Aristotle and other medieval thinkers?
4. Define Machiavelli's Erastianism.

1. Discuss Machiavelli's background and his reaction to medieval thought.
2. Write a note on the spirit of the Renaissance.
3. Explain Machiavelli's concept of the human nature.
4. How did Machiavelli separate politics from ethics and religion?
5. How did Machiavelli differentiate between the law and the law-giver?

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REPTILES & AMPHIBIANS

1. The first group of reptiles is the snakes. They are found in all parts of the world. The most common snake in the United States is the rattlesnake. It is a venomous snake and can bite a person. The rattlesnake has a rattle at the end of its tail. This rattle is made of small pieces of keratin that fall off and rattle together. The rattlesnake is a member of the family Viperidae. It is a member of the subfamily Crotalinae. The rattlesnake is a member of the genus Crotalus. The rattlesnake is a member of the species Crotalus scutulatus.

2. The second group of reptiles is the lizards. They are found in all parts of the world. The most common lizard in the United States is the spiny-tailed lizard. It is a non-venomous lizard and can bite a person. The spiny-tailed lizard has a long tail with many sharp spines. The spiny-tailed lizard is a member of the family Phrynosomatidae. It is a member of the subfamily Phrynosomatinae. The spiny-tailed lizard is a member of the genus Spinosaurus. The spiny-tailed lizard is a member of the species Spinosaurus tigris.

3. The third group of reptiles is the turtles. They are found in all parts of the world. The most common turtle in the United States is the eastern box turtle. It is a non-venomous turtle and can bite a person. The eastern box turtle has a box-like shell. The eastern box turtle is a member of the family Testudinidae. It is a member of the subfamily Testudininae. The eastern box turtle is a member of the genus Terrapene. The eastern box turtle is a member of the species Terrapene carolina.

4. The fourth group of reptiles is the crocodiles and alligators. They are found in the southern United States. The most common crocodile in the United States is the American crocodile. It is a venomous crocodile and can bite a person. The American crocodile has a long snout and a powerful bite. The American crocodile is a member of the family Crocodylidae. It is a member of the subfamily Crocodylinae. The American crocodile is a member of the genus Crocodylus. The American crocodile is a member of the species Crocodylus porosus.

5. The fifth group of reptiles is the snakes. They are found in all parts of the world. The most common snake in the United States is the rattlesnake. It is a venomous snake and can bite a person. The rattlesnake has a rattle at the end of its tail. This rattle is made of small pieces of keratin that fall off and rattle together. The rattlesnake is a member of the family Viperidae. It is a member of the subfamily Crotalinae. The rattlesnake is a member of the genus Crotalus. The rattlesnake is a member of the species Crotalus scutulatus.

UNIT 2 HOBBS, LOCKE AND J.J. ROUSSEAU

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2.0 INTRODUCTION

Thomas Hobbes is usually classified as the most prominent direct forerunner of modern individualist philosophy. It was his belief that it was logical for the practice of such natural liberty to give rise to unstoppable conflict and constant fear until not a single sovereign ruler remains to maintain peace.

John Locke started his mature political theory in the *Second Treatise of Government* (1689), in which he postulated the divinely granted liberty of all individuals. This was recognized in the form of an absolute right to preserve one's life and to claim the goods that are required to survive.

Unlike Hobbes, Locke propagated the theory that it is possible to maintain the natural condition of individual proprietorship peacefully. This is because human beings are believed to be very rational and are liable to generally restrain their free action according to the laws of nature.

The political philosophy of Jean-Jacques Rousseau was strongly influenced by the French Revolution and the American Revolution along with the overall development of modern political, sociological and educational thought.

2.1 UNIT OBJECTIVES

After going through this unit, you will be able to:

- Explain the political thinking of Thomas Hobbes
- Explain the viewpoint of John Locke
- Discuss the opinions and theories of Jean Jacques Rousseau

2.2 THOMAS HOBBS

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Life Sketch

Thomas Hobbes, one of the greatest political thinkers in the history of political thought, was born on 5 April 1588, near Malmesbury in Wiltshire, England. He was born in a poor family. He was the son of a clergyman. It was his uncle, who brought him up. Since the beginning, he was a talented student. Hobbes intelligence can be measured by the fact that when he was still in school he could master a number of languages, which included Greek, Latin, French, English and Italian. He began to translate many original works into Greek, Latin and English. He translated Thucydides' *History of the Peloponnesian War* into English in 1629. He also translated Euripides' *Medea* from Greek to Latin.

The intellectual career of Hobbes was significant because he disagreed so roundly and radically with the prevailing orthodoxy of his time. In the later days, he was inspired by the new scientific method being applied in fields such as medicine and cosmology. He thus set out to rewrite political theory and to create a true science of man. The scientific approach dominated his thought and can be regarded as the foundation of his political theory.

The social and historical context of the period when he was born was significant too. It was a tumultuous time when England was witnessing the civil war. Hobbes started writing since late 1630s and in 1651 he published *Leviathan*, his masterpiece. It was published in the midst of constitutional upheavals of the civil war and the commonwealth. His aim throughout was to warn against the consequences of political conflict, the only cure for which, he thought was an absolute and undivided sovereignty.

Thomas Hobbes also contributed to a diverse array of fields, including history, geometry, physics of gases, theology, ethics, general philosophy, and political science. His account of human nature as self-interested cooperation has proved to be an enduring theory in the field of philosophical anthropology. He was one of the key founders of materialism in philosophy.

Thomas Hobbes wrote one great philosophical work, which he divided into sections and published at three different times: *De cive* (*On the Social and Political Organism*), a work that was further developed and later published under the title *The Leviathan*; *De corpore* (*On the Body*); and *De homine* (*On Man*). The vigorous thought of Hobbes made a deep impression in his native country and abroad.

The Leviathan is generally considered his masterpiece.

2.2.1 State of Nature

The idea of state of nature is one of the fundamental aspects of Hobbes' political philosophy. The state of nature means a situation where men live or would have lived without the authority of civil law, state or political control. In the state of nature, there is no industry and no systematic production. Man is totally dependent on nature for their survival. The behaviour of man is largely governed by their inner impulses. According to Hobbes, some sort of natural law exists. Man has no recognized rights, although he said that they have some natural rights. He draws out a very gloomy and sordid state of nature. In the state of nature, human relationship was based on mutual suspicion and hostility. There was no law, no justice, right and wrong. The force and

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fraud was the principle virtue of man. According to Hobbes, the life of man is solitary, poor, nasty, brutish and short. There is a constant conflict among men. The main reasons behind this conflict is competition, diffidence and glory. The first man invade for gain; the second for safety; and the third for reputation. The first uses violence to make themselves master of other man's person, wives, children and cattle; the second to defend them and the third for trifles, as a word, a smile, a different opinion, and any other sign of under value, either directing their persons or by reflection in their kindred, their friends, their nation, their profession, or their name. The state of nature degenerated into a state of war, 'a war of every man against every man'. Thus, the state of nature was a condition when political authority failed. For him, it was the option of 'faith' or 'trust' or not the presence of an evil quality of man that cause human misery in the natural state.

The state of nature is a natural corollary of Hobbes' concept of human nature. When he was describing the state of nature, he was not obviously referring to an actual historical process of development of human society. The conditions in which man lived were of their own making. His concept of the state of nature is thus based on man's basic psycho-physical character, his sensations, emotions, appetites and behaviour. He said that man is primarily a body governed by law of motion. He pointed out that there are two kinds of motions in animals: *vital motions* and *voluntary motions*. He defines vital motion as the automatic movement of the physiological mechanism, which goes within our organism from birth to death without our knowledge, examples of these kinds of motions are circulation of blood, breathing, digestion and excretion. On the other hand, voluntary motion is first born in our mind and is caused by the impact of external stimuli on our sense organs. The two original motions or emotions are generated such as desire and aversion. From these motions, Hobbes says that emotions like hope, diffidence, glory, courage, anger and benevolence are formed. According to Hobbes, desire and aversion, which are two principal motions or emotions as stated above, are the two causes of conflict in the state of nature. Everybody in the state of nature is guided by their natural impulse of self-preservation to desire and possess the objects or goods that are conducive for their survival. As everybody is roughly equal in strength, and the goods or objects of desertion are limited, it leads to competition and conflict of interest. As a result, the state of nature become the ground of struggle for power among all.

The individual in the state of nature, according to Hobbes are essentially emotional creatures driven by their desires and physical appetites. All human emotions or passions spring from two basic kinds of motives—*desires* or *aversions*. Desires are potential and motions are movement towards an object whereas, aversions are potential motions or movements away from an object. However, while human actions are primarily determined by emotions springing from these motives, human beings are also combinations of passion and reason. The role of reason is to offer guidance about how best to satisfy one's desires. Moreover, in his view of human nature, he emphasized to overriding emotions. The first of these is fear of death, especially of violent death, which he considered to be a basic psychological and biological disposition inherent in human condition.

'Might is right' was the order of the day. Every man was enemy to every man. It was a state of total insecurity. Men were free to take what they could, and to rob whenever they could. There was no law to prevent or contained the 'law of the jungle'. Thus, the state of nature was a state of perfect anarchy. According to him, there can be no morality and consciousness of duty or obligation in the state of nature.

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2.2.2 Natural Rights

Hobbes takes as his starting point 'the right of nature', that is, the right to all things that every individual has in the state of nature. Before any form of political order, 'every man has a right to everything; even to one another body. This is an aggregate right; a right to every and any action that I deem necessary to my preservation.' Hobbes describes the state of nature in the following way: 'condition of war of every one against every one; in which case everyone is governed by his own reason; and there is nothing he can make use of that may not be a help unto him, in preserving his life against his enemies.' In other words, 'any action that may help preserve myself is justified in the state of nature and each man is at liberty to perform whatever action he sees fit. Each individual is free to act or not act and that freedom imposes no restrictions on others or on the individual right holder, in the form of duties or obligations. As long as this natural right of every man to everything endureth, there can be no security to any man, (how strong or wise so ever he be) of living out the time, which nature ordinarily allow the men to live.'

Hobbes was of the opinion that rights are not always beneficial to the right holders. If this right is actually a liberty right then people should not stand in the way of people who want to exercise or uphold their rights. All people have the right to everything and there is competition among people to exercise their rights to the same things. In such a case, as Hobbes said, 'there is little use and benefit' of having the right. If the rights are not protected then it is no use of a person to have any rights as it will then be useless for them as if he had no right at all.

To summarize, the right of nature is an aggregate right which includes any action that people living in the state of nature might see it useful for his preservation. By Hobbes's own definition, 'it is a liberty to do or to forbear that is unlimited.' Therefore it gives complete freedom to act. Yet there is a contradictory element, to the right of nature that he pointed out. According to Hobbes that individuals will not be able to enjoy freedom as they will constantly be competing with others who might be stronger and have the same right of nature. There will be unrestricted competition among individuals to exercise rights that are same and no one will be obliged to refrain from action.

Hobbes started from premise about the nature of humans which show how, in a state of nature, we will be led inevitably into a war against each other. According to him certain conditions have to be met if humans want to escape from the state of war and enter a state of peace. These conditions include the protection of certain liberties which he called rights. The untrammelled freedom of the state of nature needs to be replaced with the protected freedom that exists when individuals agree to give up some of their liberty rights and accept obligations towards others.

The notion of natural necessity was employed by Hobbes to address his concern with the interplay between natural right and obligation. He argued that on one hand under hypothetical conditions, where obligations do not exist, people would be miserable and therefore willing to enter into covenants whereby obligations are created, while on the other hand, the whole point of his asserting that an individual has a natural right to do what is necessary to preserve herself was to restrict the applicability of the notion of obligation.

Hobbes used the expression 'right of nature,' or 'natural right,' in a variety of ways, but there are two general categories under which his different usages might be

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classified. His best known remarks occur at the beginning of Chapter XIV of *Leviathan* where he defines liberty as 'the absence of external impediments'. He maintained that a right consists of the liberty to do, or to forbear, and contrasts this with obligation, suggesting that he meant to speak of liberty in the sense of there being an absence of obligation. This category of natural right is concerned with morality. In other equally well-known remarks he claimed that in the state of nature everyone has a right to everything. In this instance, the notion of a right of nature is rendered in terms of propriety, i.e., the absence of ownership. Thus, his right of nature is a liberty in a twofold sense: 'in the state of nature, to have all, and do all is lawful for all'.

Although the right of nature, in either sense, is stated as an absolute, he draws the ironic conclusion that in the state of nature neither obligation nor propriety exists. The argument he employs to arrive at this skeptical conclusion regarding obligation and propriety trades on his two fold concept of natural right. When the notion is explicated in terms of a freedom from obligation, he seemed to have been primarily concerned with the agent's self-preservation; hence, the right of nature is equivalent to the right of self-defense.

When Hobbes claimed that the right of nature entitles the agent to take whatever steps she deems necessary to avoid death, pain or injury, he is mainly concerned with the agent's right of self-defense. Although he frequently refers to preserving the body in his discussion of the right of self-defense, he sometimes goes a lot further and makes assertions which suggest that by self-defense he meant to include much more than merely protecting the body. In *Leviathan*, for instance, he claimed that 'no man can transfer, or lay down his right to save himself from death, wounds, and imprisonment.'

There is a sense in which the right of nature entitles an agent, under conditions of war, to seek not only profit, but also dominion over others. This natural right to unlimited propriety is permitted because, in the state of nature, anything may prove useful to deal with future threats to the agent's life. With this supposition in mind, Hobbes argued that unlimited propriety includes a right to someone else's body, i.e., dominion over others is to be understood in terms of the proprietary sense of the right of nature. Hobbes makes this clear when he argues that an agent in the state of nature has a right of self-defense in relation to an invader who will use violence to obtain dominion over 'other men's wives, children, and cattle.'

Hobbes builds a conception of 'the right of nature' out of his psychological theory by first assuming that all living creatures are physiologically constructed so as to be motivated by their appetites and aversions, and, with minor qualifications, he further assumes that death-avoidance is the strongest possible motive. On the basis of this assumption, he then argues that, when frightened, a living creature cannot but react so as to protect itself. Indeed, since it is impossible for her to do otherwise, she has a right to protect herself. But this is clearly not a moral right since its exercise always presupposes a pre-civic context of blameless liberty.

The two-fold sense of Hobbes's right of nature rests on an assumption which underlies all of his political theory, viz., that it is necessary for agents in the state of nature to promote their general self-interest to ensure their continued self-preservation. Acquiring goods and dominion over others are self-interested actions that enhance an agent's power to overcome future threats to her life. Hobbes tends to conflate the concept of self-defense and the concept of self-interest because he not only saw acts of self-defense as necessary for promoting the agent's general self-interest, but he

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also saw self-interested acts as necessary for maintaining the agent's ability to defend herself in the long run. This conflation is understandable given his belief that humans have a physiologically-based disposition to avoid death, pain, or injury, and, to ensure their future safety, they are also inclined to seek more and more power.

According to Hobbes, the right of nature is defined as the right of self-preservation. This 'right' is in contrast with the 'law of nature', where individuals are forbidden to do anything that is destructive for their lives or to omit the means of self-preservation. These two categories—the right and law of nature—are the twin pillars of Hobbes' jurisprudence. Thereafter they are deployed, always together, at two levels in his theory: the state of nature and civil society.

In the state of nature, the right of nature implies that each person has a right to all things while the law of nature obliges each to lay aside this right if possible. This authority is absolute in two senses: it is unlimited and it is unconditional.

These natural rights are closely tied like the right of nature and are important for self-preservation. This is true of most of the 'true liberties' of the subject, and of the 'certain rights of nature'. Hobbes in his initial statement describes these rights not just as the means of preserving life, but 'of so preserving life, as not to be weary of it'.

It is clear that the right of nature is not restricted to self-preservation in a bare physical sense. The right of preserving one's 'own nature' or 'life' as Hobbes puts it would surely include more than biological survival. Individuals may want to live well with a degree of honour and self-respect to protect their life and nature. The right of nature might include the means of physical survival and other conditions essential for individuals without which life would not be worth living.

The range of natural rights according to Hobbes is implicitly limited by the law of nature. Nothing can be claimed as a natural right if it were destructive of one's life. Hobbes derives two more specific limits from this. First, he treats natural rights as so important that they cannot be renounced. According to him if an individual tries to renounce such rights 'he is not to be understood as if he meant it' because no individual would gain out of it. Hence, only demonstrable items can be claimed as natural rights in society. Hobbes notes that one may retain only the same rights that one allows others. By this criterion, a right of nature could be claimed in society only if it could be held equally by all. These natural law restrictions rules out rights like the right to drive recklessly or to steal expensive cars. Thus natural law must impose intelligible limits on the range of natural right in civil society.

Two implications are worth noting.

- First, the extent of natural right in society is to live well with honour. In fact, Hobbes' account is two-tiered. On one hand individuals are the sole 'authoritative' judges of their nature and needs. Some may be content with subsistence and others may judge that the preservation of their life and nature entails the right to live well or honourably. Hobbes said that each individual has the right to decide this on their own.
- Second, a subject's exercise of this right does not obligate the sovereign. The duty of the sovereign to protect its subjects arises independently from the law of nature. It is not entailed by the rights of the subjects nor is it linked to the exercise of these rights as subject understands. While the 'proper exercise' of rights is limited by natural law, subjects are entitled to interpret this standard for themselves.

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Hobbes can be termed as the discoverer of the natural rights of the individuals. These rights come before all duties. Individuals have perfect rights, he has no perfect duties. These rights are a priority for a government. A government exists to guarantee rights or legitimate claims of the people are made actual by society. This political doctrine has gained recognition and has been influential decade by decade all over the globe. It has been denied and refuted by philosophers, not only by Marx and his followers but also, very recently by Alasdair MacIntyre. Universal claim to human rights has become a fact of political life. The doctrine of rights has been an instrument used in the independence of nations and a defense against tyranny within nations.

2.2.3 Laws of Nature and the Covenants

In Hobbes' opinion, it is natural law which prompts men to abandon the state of nature and to establish law and government. Natural law consists of the following rules of self-preservation: (a) everybody should aim at securing peace; (b) man should be willing, in concert with others, to give up their natural rights; (c) man should keep their contracts; (d) man should show gratitude or return beneficence for beneficence. Thus, the requirements of self-preservation itself created a sense of duty in the mind of men which prompted them to form the state. Hobbes says there is one thing that all men fear and that is death since avoiding death is an absolute condition of satisfying their other, more various desires, peace, which renders premature deaths less likely, must be sought by all rational man: 'all men agree on this, that peace is good, and therefore also the way, or means of peace'. This is what the laws of nature as to Hobbes' ways to peace.

According to Hobbes, in a state of nature, individuals enjoy complete liberty, including a natural right to everything, even to one another's body. The natural law dictates of reason. It is not synonymous with 'laws' or 'commands'. However, subsequently he argued that the law of nature was also proper laws as they were 'delivered in the word of God'. He called it counsel of prudence. He differs with *Stoics* on the meaning of natural law. Unlike *Stoics*, natural laws to Hobbes do not mean internal justice, perfect morality or standard to judge existing laws. It also does not imply the existence of common good, for they merely created the common conditions which were necessary to fulfill each individual good. These laws were immutable. To him, there were nineteen natural laws which he called *Article of Peace*. There were three important natural laws among them such as: (a) seek peace and follow it; (b) abandon the natural rights to things; and (c) that individuals must honour their contracts. The other laws of nature demonstrate how peace and justice are to be achieved in society. The laws of nature may be summarized by the precept: 'Act towards others in a manner in which you would want them to act towards you.' However, this precept is presented in a negative form by Hobbes, who argues that, the precept: 'Do not act towards others in a manner in which you would not want them to act towards you' is the most intelligible method of evaluating moral conduct. He argued that the laws of nature are rules of reason which are contrary to the natural instincts of human beings. The laws of nature to him is the theorems of peace. In his opinion 'a law of nature is a percept of general rule, found out by reason, by which a man is forbidden to do, that, which is destructive of his life or take away the means of preserving the same; and to omit that by which he think it may be preserved. Law, and rights, differs as much, as obligation, and liberty, which in one and the same matter are inconsistent.

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Hobbes said that natural law may be revealed by civil law and civil law may be revealed by natural law. Both these laws may be changed at the discretion of the sovereign. Natural law unlike civil law is immutable and is the eternal law of God. Natural law may be known by reasoning. Judgments however concerns civil law and may depend on both the ability to reason and the ability to interpret natural law. Civil law, according to Hobbes is written and natural law is unwritten. According to him ignorance of the laws of nature is not an excuse for disobeying them and anyone who is capable of clear reasoning will know them as the laws of nature may be summarized by the precept: 'Do not act towards others in a manner in which you would not want them to act towards you.' He also argued that ignorance of civil law may be an excuse for breaking a law only if the law is unclear or equivocal. If a law is clear and unequivocal then ignorance of the law is again no reason for breaking it. He declared that natural laws are also moral laws which include equity, justice, mercy, humility, and the other moral virtues. These moral laws are also known as 'divine laws'. Divine laws are the laws of the kingdom of God which may be known by reason, revelation and by faith. According to Hobbes, the kingdom of God is a commonwealth where reign of God is Sovereign. Obedience to divine law and faith in God are all that is necessary to be saved from pain and sorrow and from sin and death.

The law of nature for Hobbes meant a set of rules according to which a ideally reasonable person would pursue his own advantage, if he was perfectly conscious of all the circumstances in which he was acting and was quite unswayed by momentary impulse and prejudice. Since he assumes that in the large, men really do act in this way, the law of nature states hypothetical conditions upon which the fundamental trades of human beings allow a stable government to found it. They do not state values but they determine casually and rationally what can be a given value in legal and moral systems.

According to Hobbes absolute authority is followed by a set of limits for the subjects to obey and proper use of law and punishment. These limits are new in Leviathan as they do not appear in the earlier works of Hobbes. Although certain natural rights are understood as non-renounceable the idea is not developed or corresponds to 'true liberty' of Leviathan. The discussion of law in Leviathan, especially with regards to the limits of obligation and the exercise of authority, is a significant revision in Hobbes' political theory.

Hobbes says that it is wrong to punish the innocent as it violates the laws of nature that requires equity and forbids ingratitude and revenge. Hobbes does not specify natural laws for any of the other limits he mentions. Such acts are committed 'without injustice,' with no violation of the obligation owed to the law and by subjects who are fully law-abiding. To outlaw or punish such acts would be iniquitous, ungrateful and vengeful. Thus it is the duty of the sovereign to respect natural rights of each subject.

Hobbes talks of covenant which individuals opted for to emerge out of state of nature. Now, you might want to ask why and how individual of the state of nature wanted to enter into a covenant. Since the first law of nature requires individuals to seek peace, the only way to attain it was through a covenant leading to an establishment of a state. Individuals thus agree to enter into a covenant and surrender all their powers through a contract to a third party who was not a party to the contract. This third party which became the sovereign, received all the powers surrendered by the individuals. Thus, 'the commonwealth' was constituted when the multitude of individuals were

united in one person, when every person set to the other, 'I authorize and give up my right of governing myself to this man, or this assembly of men, on this condition, that thou give up thy right to him, and authorize all his actions in like manner'.

2.2.4 Covenants and the Sovereign

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As discussed earlier, individuals renounce the state of nature and enter into a covenant out of which an independent sovereign power emerged. The sovereign power was not a party to the contract but he was a beneficiary of that. The third party, the sovereign which was a consequence of the contract was an artificial person distinct from the natural individual. Individuals gave up all their natural rights to all the things through a common consent to a person or body of persons. Thus, they confer all rights on the sovereign for enforcing the contract by using force. They authorize the sovereign all their action as their own. The sovereign had no obligation. The sovereign was not the common will of all but it was only a substitute for conflicting individual will, as that would guarantee unity among multitude within a common wealth. Hobbes said that the contract created an artifact in the sovereign authority whereby each individual gave up his right of governing himself on the condition that others did likewise. All the individuals were guaranteed basic equality with every other member by consenting to a set of rules. This implies no one possessed more rights than other. The sovereign must treat all the individuals equally in matter of justice and laying taxes. According to Hobbes, justice means equality in treatment and equality in rights. He also equated justice with fairness which means treating others as one would expect to be treated. The Sovereign was bestowed with all the powers. The contract was made by each with the other. The contract made by the individuals was a social and political contract. This contract created a civil society and political authority. According to Hobbes, a commonwealth or sovereign can be established by two methods: *acquisition*, and *institution*. When individuals get threatened into some mission the method of acquisition is adopted where as when individuals, of their own impulse, united, agreeing to transferred all their natural powers through a contract to a third party of one, few or many, the method of institution is adopted. Both the methods are contractual.

Thus, the social contract brings a sovereign into existence who enjoys supreme and absolute authority. Hobbes visualized sovereign power as undivided, unlimited, inalienable and permanent. He created unlimited political obligation. Both the state and government was created simultaneously by the contract. Everywhere, individual in the society, except the sovereign himself became his subjects. As earlier stated, all natural rights of man are surrendered to the sovereign ones for all. The individual cannot withdraw the power conferred on the sovereign, because if they chose to revive their natural rights, they will have to go back into the state of nature which is characterized by anarchy and insecurity. This is the reason why Hobbes did not grant the people right to revolt and condemned the Civil War of 1642. The contract made by the individuals was perpetual and irrevocable. It means individuals cannot change the sovereign. By creating a civil society, the individuals limited their sovereignty voluntarily. Hobbes preferred a monarch to be sovereign. He preferred monarchy against aristocracy or democracy for the following reasons: (i) Thus self-indulgence of one compared to that of many would be cheaper; (ii) The existence of an identity of interest between the king and his subjects; and (iii) less intrigues and plots, which were normally due to personal ambitions and envy of members of the ruling elite. Since the state and society came into existence together through a single contract, repudiation of the contract would result not only in an overthrow of the government

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but also a disintegration of society itself. This is the reason why Hobbes made the power of the sovereign beyond any question. In a way, thus, he justifies an absolute government or monarchy. However, absolute power enjoyed by sovereign was not derived from the notion of kings. It was essentially derived through a contract based on individual consent.

He made the sovereign (*Leviathan*) the sole source and interpreter of laws. He alone is the interpreter of divine and natural laws. Sovereign of Hobbes was not bound by divine and natural laws. Even the sovereign is not subject to civil laws. Like *Jeremy Bentham* and *John Austin*, Hobbes defined the laws as a command of the sovereign. Since a law was command of the sovereign it could be wrong, unjust or immoral. The sovereign administer as well as enforce the law. His theory of sovereignty was a forerunner of *Austin's* monistic theory of sovereignty. As individual surrendered all their powers, sovereign gained absolute power. He talked about absolute sovereign power only because of his through-going individualism. The absolute sovereign represented the individuals, and was constituted by them for providing order an security, and averting the worst of all evils, civil war. He didn't recognize any pre-political order of society based on kinship, religion and other associations, which normally contributed to sociability in the individual. He was quite unsympathetic towards customs, tradition and other moralities that existed outside the purview of the sovereign law.

On this basis, he proclaimed that law was not derived from the social institutions of people but was the command of the sovereign. He ruled out private beliefs and divisions and multiplicity of authority which is antithetical to a stable political order. In his opinion, authority has to be unitary. He placed sovereign above the law. The *Leviathan*, sovereign of Hobbes has some rights and duties. These include: to govern and conduct policy, protect civil society from dissolution, limit or restrict freedom of expression, opinions and doctrines, control subject's property, reserve all conflicts through the right of judicature, make war and peace with other nation, confer owners and privileges, determine artificial religion and the form of its worship and prevent excess to subversive literature, etc. The will of the sovereign is absolute and the individual has no appeal against it. Hobbes visualized a unified sovereign authority. He didn't give the subjects of the right to change the form of the government. The contact was not between the individual and the sovereign. It was among the individuals themselves. Thus, as stated earlier elsewhere sovereign was not party to the contract. Hence, the individuals cannot be freed from the sovereign's authority rather the individuals have a duty and obligation to obey the sovereign. Hobbes' sovereign was characterized by the position rather than the person who commanded it. He provided a comprehensive theory of political absolutism and reconciled legitimate political authority with conflicting yet justified human demands. He also stipulated that for ensuring civil peace lesser association could exist only with the permission of the sovereign. He gave a subordinated status of the church against the sovereign. The sovereign annunciated by Hobbes stood outside the society. It was only fear and interest that supplied the reason for the existence of sovereign but the authorized sovereign had some limits. It is bound by the law of nature to ensure peace and safety.

There were some duties to be performed by the sovereign towards the subject. One of the foremost duties was to protect the subject from rebellion. To achieve this Hobbes has seven injunction:

- (a) Patriarchic commitment to the status quo
- (b) To resist demagogues

- (c) To respect the established government
- (d) Specific need for civil education
- (e) Importance of decline that was inculcated in the home
- (f) Law and order to abstain from violence, private revenge, honour to person and violation of property
- (g) Right attitudes would bring about the right behaviour

Hobbes' account of authority in *Leviathan*—in contrast to his earlier works, has a two-tiered structure, one in which absolute authority is inscribed with recognizable limits upon its proper use. As a consequence of this absolute authority, the sovereign could declare any exercise of 'true liberty' illegal and punishable. But sovereigns might by the same authority cede certain essential rights of sovereignty or declare that the moon is made out of green cheese. These would all have the same legal force; they are all equally authoritative but equally improper. As a result, a command which forbids the exercise of 'true liberty' could be known to be authoritative only in terms which implied that it could not be a proper law. Any 'punishment' on this basis would instead be an act of hostility: a recognizable misuse or abuse of the sovereign's proper authority.

Hobbes placed great emphasis on the fact that the sovereign is never obligated to subjects because, as a non-party to the social contract, the sovereign is understood to have remained in the state of nature, i.e., the sovereign's authority is derived from being a third party beneficiary of the social contract. We may perhaps understand Hobbes to mean that the sovereign's authority to use coercive power to frame the will of subjects arises in the amoral context of the state of nature, a context which persists even under the social contract and becomes manifest in the various instances where he specifies that the subject's inalienable right of defence limits the sovereign's authority.

In the case of the sovereign's right to punish, he is quite clear that this right derives from the right of nature which only the sovereign retains as a non-party to the social contract. Political authority is justified by the social contract because subjects create civil society by laying down, or transferring, the right of nature in the proprietary sense. But, since subjects can never be understood to transfer, or lay down, their right of self-defence, in cases of capital punishment any obligations arising from the social contract which would require subjects to forbear acts of resistance are suspended, i.e., the condemned subject and sovereign are understood to be in a pre-civic amoral relationship.

2.3 JOHN LOCKE

John Locke, the father of liberalism, was born on 29 August 1632 in England. His parents came from Puritan trading and landowning families and were sympathetic to the parliamentarians and the *Whigs* during the Civil War. He was sent to the prestigious Westminster School in London with the help of Alexander Popham who was a member of Parliament and also former commander of his father in 1647. His studies at Westminster were mainly centered upon the classical languages of Latin and Greek and he also began to study the language Hebrew. He was very hard working student and in 1650 he was chosen for King's scholarship. He also got major scholarships at both Oxford and Cambridge University.

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Check Your Progress

1. Who was Thomas Hobbes?
2. Why was the intellectual career of Hobbes very significant?
3. Which expressions did Hobbes use in a variety of ways?

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In the 17th century, England experienced two revolutions. In 1649, after years of civil war, the first culminated in the execution of King Charles I of the Stuart family and the establishment of a Commonwealth, replaced in 1653 by a Protectorate under Oliver Cromwell. In 1660 the monarchy was restored under Charles II and, on his death in 1685, the throne passed peaceably enough to his younger brother, James. Once again, however, the country's parliamentary traditions and Protestant Church were perceived to be in danger. Further resistance to the Stuart monarchy arose and in 1688 a second revolution occurred, though on this occasion James II fled to France, thus avoiding the fate of his father.

In 1671, Locke served as Secretary of the Board of Trade and Plantations and also Secretary to the Lords and Proprietors of the Carolinas for helping in international trade and economics. In 1672, he was involved in politics when Shaftesbury became Lord Chancellor. He played an influential role in the repeal of the Act for the regulation of printing in 1695 and in the re-coinage of the debased English currency in the 1690s. He also spent some period in travelling across France as tutor and as a medical attendant to Caleb Banks. He returned to England in 1679 and at that period, he composed *The Two Treatises of Government*. Although he was associated with the influential *Whigs*, his ideas about natural rights and government was considered as revolutionary for the period of English history. He shifted to Netherland in 1683 and spent his time in writing. Three of his books *Essay Concerning Human Understanding*, *Two Treatises of Civil Government* and *A Letter Concerning Toleration*, were published after he returned to England in 1688. Some of his minor works like, *Raising the Value of Money* and *Some Consideration on the Lowering of Interests* published in 1691. This was followed by *The Second Letter on Toleration* (1691), *Third Letter on Toleration* (1692), *Some Thoughts on Education* (1693) and *The Reasonableness of Christianity* (1695). Locke died on 28 October 1704 and was buried in the churchyard of the village of High Laver in Essex. His work had a great impact upon the development of epistemology and political philosophy. Voltaire, Rousseau, Scottish thinkers and American revolutionaries were influenced by the writings of Locke. His contributions are well seen in American Declaration of Independence. He attained fame both within and outside England during his lifetime.

2.3.1 State of Nature and Natural Rights

As we turn to the state of nature argument of John Locke, we find a very different story indeed. His conception of natural liberty is a moral conception of 'perfect freedom' and equality. His view of the law of nature is a normative rather than a descriptive one—a discussion of what people living up to their duty to God, ought to do. State of nature to him was not gloomy and pessimistic like that of Hobbes. In his view, it was not a state of constant warfare. Locke points out that it was a state of 'peace, goodwill, mutual assistance and preservation'. He further said that it is a state of liberty, not a state of license. The state of nature is a state of equality amongst men. It is a created equality which is based on common ownership of a single species. He maintained

'The state of nature has a law of nature to govern it, which obliges everyone, and reason, which is that law, teaches all mankind who will but consult it, that all being equal and independent, no one or two harm another in his life, health, liberty or possession; for all man being the workmanship of one omnipotent and infinitely wise maker; all servants of one sovereign master sent into the world by his order and about His business; they are His property, whose workmanship their made to last during His and not one another's pleasure'.

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Unlike Hobbes, Locke said that the majority of the people of this stage obey the law of nature. The law of nature, to him was the law of inward morality. Individuals according to him were rational beings. However, he advocated there are few persons who do not follow the rules of morality and gives priority to their self-interest. It becomes very difficult to deal with such offenders as in the state of nature, there is no established authority. If everybody thinks that he is the judge over his own cases, justice will not be done to anybody. Thus, the state of nature becomes inconvenient to stay with. To overcome this problem, individuals decided to renounce the state of nature and enter into a civil and political society by making a contract. Though individuals are not controlled by any superior power but are subjected to the law of nature.

Individuals derived their natural rights from the law of nature. For Locke, natural rights include life, liberty and estate which are collectively known as property. The individual has an idea about the law of nature through his power of reason. It is this power of reason, which directs them towards their 'proper interest'. At the same time, individuals have some natural rights to perform. According to Locke, liberty was not the freedom to do what one chooses but to act within the bounds of law of nature. He pointed out that personal independence and freedom is fundamental human right. No one has a right to coerce and dominate others in a state of nature. Everyone has an equal right to one's natural freedom, without being subjected to the will or authority of any other man. He clarified that the law of nature were those that reason dictated. Since rights and duties were derived from the laws of nature, the most important of these was the right to hold others responsible for a breach of the law and to punish them accordingly. Though he categorically rejected the right of a person to kill oneself, he granted the right to inflict penalties, including death penalty, on others who violated the law in general or if another person's life was threatened. He explicitly rejected the right of the individual to commit suicide and murder.

The conception of natural rights and theory of property is one of the important themes in Locke's political philosophy. According to him, natural right consists in the root of morality implanted in the human conscience. He pointed out that natural right consists in the perfect freedom and equality of every man. Not only to preserve his property (life, liberty and estate) against the injuries and attempts of other man, but to be judge of and punish the breaches of natural law committed by others. However, when individuals decided to enter into a contract and thereby establish a political society, they had to surrender their natural rights to be judges. Now that power rests with the community but the natural rights to life, liberty and property still belong to them. Locke pointed out that by human reason and by revelation, it was apparent that the earth and its fruits belong to God and that God had given them to the human inhabitants in common to enjoy. He also argued that it was human labour which distinguished what was privately owned from what was commonly owned. Labour was the unquestioned property of the labourer and by mixing his labour with a place of land and individual acquired the right to whatever he had made of that material. The stress was on what human beings made of the earth, how and what they left for posterity. He insisted that God has given human beings the earth to make it a better place, full of conveniences of life by entrepreneurship, hard work and reason. In other words, Locke emphasized that human beings could be industrious and creative without wasting, squandering, spoiling or destroying.

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Locke in his depiction of state of nature stated that individuals had initially a right to appropriation which was limited to three things. First, an individual could appropriate only that much that one required or needed. Secondly, an individual had a right only to that much for which he had mixed the labour of his body and the work of his hand. Thirdly, labour not only created property but also determined its value. He argued that it was labour that made the world different by creating conveniences and increasing productivity. In the state of nature, the individual had perfect freedom to dispose their possessions, and persons, as they thought fit. According to him, property was a natural right derived from natural law. It was there before the formation of government. He concedes that individuals have the right to do as they please within the bounds of the law of nature. Thus, rights were not absolute and hence was limited to the extent that they did not harm themselves or others. However, with the introduction of money, the unlimited right of appropriation and equality was gone. As a result of the introduction of money, one could possess more regardless of the use of the product and hoard without injuring anyone. It also separated right from convenience. Locke stated that property represented human entitlement and in fact men uniting into commonwealth and putting themselves under a government was to preserve and protect their property. It was the social character of property that enabled him to defend a minimal state with limited government and individual rights and reject outright the hereditary principle of government. It was the protection of liberties and property that they entered into an agreement instructing the government to recognize these rights and embody them in a statutory form. He also justified and defended class differentials in right and rationality and wage contracts, in the process becoming a spokesman for a market society providing the moral basis for capitalist society. Like Hobbes, Locke made use of the idea of a state of nature as an explanatory conceit upon which to build his political theory. Despite some ambiguity of language, the argument is not really a historical one. It is an attempt to inform the proper structure of government and above all to develop a theory of political obligation from a consideration of what rational people would invent if they were living without a government and wanted to devise one.

2.3.2 Social Contract and Civil Society

Having described the state of nature as a condition of peace and mutual head and having defined natural rights, Locke next proceeded to derive civil society from the consent of its member. The consent, by which each person agrees with other to form a body politic, obligates him to submit to the majority. The compulsion to constitute a civil society was to protect and preserve freedom and to enlarge it. The state of nature was one of liberty and equality but it was also one where peace was not secured and being constantly upset by the 'corruption and viciousness of degenerate men'. It led three important wants: the want of an established, settled, known law; the want of a known and indifferent judge; and the want of an executive power to enforce just decisions. Through a contract, individuals consented to submit to majority rule and organized themselves as a community or civil society. Locke says men being by nature all free, equal and independent, none can be put out of this estate (state of nature) and subjected to political power of another without his own consent. This is the reason why the problem was to form a civil society by common consent of all men and transfer their right of punishing the violators of natural law to an independent and impartial authority. After the formation of civil society, this common consent becomes the consent of the majority. As a result of the contract, all men unanimously agreed to

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incorporate themselves in one body and conduct their affairs by opinion of the majority. They surrendered their powers partially, namely the three specific rights that constituted the natural right to enforce the laws of nature. At first, individuals establish a civil society, and then they established a government to act as a judge in the nature of a 'fiduciary power' for promoting certain ends. Thus, Locke envisioned two contracts, one by which the civil society is established and the other which creates the government. According to Jeremy Waldron, contract and consent have three stages in Locke's description: first, man must agree unanimously to come together as a community and pull their natural powers so that they can act together to uphold one another's right; second, the members of this community must agree by a majority vote to set up legislative and other institutions; third, the owners of property in a society must agree, either personally or through their representatives to whatever taxes are imposed on the people. Locke's depiction of several stages of contract was a clear departure from Hobbes depiction. In Hobbes theory, state and society were formed together but in Locke's theory, they were created in different steps. In the first stage, civil society was formed and in the second stage, only government was established. This is the reason why, when a government is dissolved society remains intact. By drawing a distinction between the process of formation of society and the state, Locke places government under the control of society, so there is no scope for absolutism unlike Hobbes. The relationship between society and the government is expressed by the idea of trust because it obviates making the government a party to the contract and giving it an independent status and authority. Within the government, the legislative power was supreme, since it was the representative of the people, having the power to make laws. There was also an executive which concedes of usually one person who has the power to enforce the law. According to Locke, the executive which included the judicial power had to be always in session. It enjoyed prerogatives, watched subordinates and was accountable to the legislature. He also advocated for the separation of power between executive and legislature. Besides the legislature and executive, there was a third wing of the government, called the federative power. It means the power to make treaties and conduct external relation. Unlike Hobbes, he created a limited sovereign and rules out political absolutism. Locke advocated that a good state is the one which existed for the people who formed it and not vice versa. The government has to be based on the consent of the people subject to the constitution and the rule of law. Government will act as a trustee of the people's right. Powers of the government are derived from the people. Natural laws and individual rights act as a limitation on the government's power. He also advocated that supreme power resided in the people, and the people as a community had the inalienable right to institute and dismiss a government. He justified resistance to unjust political power. After overthrowing a government people can establish a new one.

2.3.3 Consent, Domination, Resistance and Toleration

Unlike Hobbes, Locke created a limited sovereign which was not absolute. He envisioned a constitutional government and called for a conditional and partial surrender of natural rights, as some natural rights are fundamental and they cannot be given up because they are the cornerstone of human freedom. People gave up only their natural right to judge and punish the offenders of natural law in their own case or in the case of other people. This right was vested in the hands of the community and the government assumed the role of an empire. This right can be surrendered on the conditions that their rights to 'life, liberty and property' will be protected and kept

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intact. Every man, by consenting with others to make one Body Politic under one government, puts himself under obligation to everyone in that society and submits to the determination of the majority. For Locke, men were by nature free, politically equal, creature of god, subject to the law of nature and possessor of the power of the laws of nature; they became subjects of political authority only by their consent. Without consent there was no political community. He discussed about two kinds of consent: (i) express or direct (ii) tacit consent. The former was an explicit commitment given at the time when the commonwealth was instituted. In case there was no provision for explicit consent, people's obligation could be gauged by their tacit consent. There were two problems with regard to tacit consent. One was to define tacit consent and the other was to determine how far it was binding. According to Locke, all true states were established by consent. He pointed out that a minority would consent to all things to be ruled by the majority. He believed that a government could not be arbitrary as it was bound by the general laws which were for the public at large and not subject to individual decrees. All individuals would be governed by the same rule as everyone else; otherwise it would violate the natural moral equality of individuals. He clarified that people could use force only against unjust and unlawful authority. The right of disobedience could be exercised by the majority and not by one person or a small group.

It is the responsibility of the society to watch whether the government is exercising its powers within the limits of the terms of the contract. This implies, in the first place, that the government must govern with the consent of the people. He said that it is the people who are endowed with the faculty of reason—conscience, sense of morality, knowledge of right and wrong. Government is created by the will of the people, but as an artificial device, it cannot embody superior reason. Secondly, if in any case the government cannot perform its duty, the individuals have the right to overthrow the government and set up another government in its place. In this way, he gave the individuals the right to resistance. It is on the basis of 'right to resistance', he sought to justify the 'bloodless' or 'glorious revolution of 1668'. Richard Ashcraft summarizes Locke's views in his book *Locke's Two Treaties of Government* and says that resistance to tyranny is everyone's business.

Locke asserted that governments could be altered, amended, changed or dissolved legitimately. He has enumerated five occasions when it is possible:

Whenever such a prince or single person established his own arbitrary will in the place of laws.

When the prince hindered the legislature from assembling in its due time or from acting freely, pursuant to those ends for which it was constituted.

When by the arbitrary power of the prince, the election and the ways of elections were altered without the consent and contrary to the common interests of the people.

The delivery of the people into the subjection of foreign power, either by the prince or by the legislature.

The person who had the supreme executive power neglected laws already enacted and could not be executed.

However, people would use the right of resistance and revolution wisely as their bitter medicine, and not as a daily bread. They would resort to revolution only when they would realize that revolution would result in a better social order. The right to revolution should not be misused for every little mismanagement in public affairs or

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for trivial causes. He highlighted that government is based on consent, coupled with the right of people to rebel, which was the 'best fence against rebellion'. People had the right to judge and access authority, which was no longer sacred or supernatural. He visualized that with more free communication and greater transparency, there would be less need for revolution. He was against the anarchy and insisted on the need for a just civil authority for folding a decent and civilized life. Lockean individuals were not committed to unconditional obligation. There was a rational and limited agreement which assured obedience for the preservation and advancement of life, liberty and property. The validity of the contract would depend on the conditions of these benefits. Consent is a necessary condition for the legitimacy of the political society but the consent which creates such legitimacy is not a sufficient condition for the obligatory force of any particular act of authority in such a society.

It is extreme political anxieties focused upon wars over religion that dominate *Locke's* early writings. He was ten years when the civil war broke out, sixteen when the King was executed next to his school, and twenty-six when *Oliver Cromwell's* death in 1658 plunged England back into political turmoil for two years until the restoration of Charles II. He had grown up and come to maturity when most leaders of Protestant acts claimed the duty to institute a 'through' reformation and the right of conscience to resist, and had either been oppose to religious 'toleration' in principle, or attempted to limit religious 'toleration' by arguing that liberty of conscience up to extent no further then liberty of conscience as they defined this. Religious sectarianism had then created what he described as a 'Great Bedlam' England, with individuals claiming to be the second Christ or claiming personal inspiration in ways that he described to his moderate Presbyterian father as 'hot-headed' and 'mad'. In this way, he gradually developed his views on religious toleration. He rejected Filmer's interpretation of the biblical account of the origin of political power, but he didn't, by any means, abandoned religious foundations. Far from it, he based his politics firmly and explicitly on the moral relation between man and god. He has given emphasis on the issue of religious toleration and defended the religious toleration and pluralism.

According to him, man can pursue any religion of his choice. He rules out religious persecution. He also said that there was no practical merit in persecuting someone who would confess under stress. The government should not enforce any religious practices on individuals. In the Letter concerning, he assigned the civil magistrate the duty to protect the life, liberty and indolence of body of the members of the commonwealth. He held that civil magistrate responsible for regulating religious practice for the peace, safety and security of his people. Though the magistrate was the ultimate judge of how to promote these ends, his judgment could not be more trustworthy, in practice, than that of any other believer. The idea was that truth could look after itself. The magistrate would ensure that other than the necessity of the state and the warfare of the people, no law was made nor was any restraints established. Any attempt to interfere with religious beliefs would be unjust, for each person was responsible for his own salvation. He was categorical that no one could give to another person a power that he did not have. He excluded atheists and those religious groups that debarred others from professing and practicing their beliefs from the privileges of toleration. The civil magistrate could legally interfere when religious assemblies endangered civil peace, but rule out interference with a view to questioning their beliefs. Though he did not directly justified resistance on ground of religion, he made it clear that oppression of any kind was intolerable and a sufficient reason for sedition.

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He defended Christian revelation on the ground of uncertainties of human perceptions and knowledge. Therefore, any kind of faith, even run from scriptural revelation and complemented by human reason was justified. He repeatedly stressed that each individual was fully responsible for his beliefs and would have to answer god on the Day of Judgment. He emphasized that civil magistrates had to be concerned with peace and preservation of society.

2.4 JEAN JACQUES ROUSSEAU

Jean Jacques Rousseau is considered as the greatest thinker that France has ever produced. Not only in France but also in the entire history of political theory, he was the most exciting and most provocative. By the very magic of his style no other political thinker could come anywhere near him. He was a genius and a keen moralist who was ruthless in his criticism of 18th century French society. He was one of the most controversial thinkers, as evident from the conflicting, contradictory and often diametrically opposite interpretations that existed of the nature and importance of his ideas. He was a philosopher, writer and composer of 18th century Romanticism. He was born in Geneva, Switzerland on 28th June 1712. During that period, Geneva was a city-state and a protestant associate of the Swiss Confederacy. He rose to fame with his prize winning essay *Discourse on the Science and Arts*. In this essay, he rejected progress based on the Arts and Sciences, as did not elevate the moral standards of human beings. He traced the rise of inequality and the consequent fall of the human individual. He wrote a novel namely *La Nouvelle Heloise* in 1761. In this novel, the themes of his early essays reappeared, and his preference for nature and the simple pleasures of country life became evident. It is only after his death that his *Confessions* was published. He accomplished many things during his lifetime which included writing on music, politics and education. His fame primarily rested on his writings. He also composed some operas. He remained mainstay of the Paris opera for years to come. He also wrote a dictionary of music and devised a new system of music notation. He wrote *The Social Contract*, his most famous book in Paris. He died in 1778.

2.4.1 Revolt against Reason

More than most men, *Rousseau* projected the contradiction and maladjustments of his own nature upon the society and sought an anodyne offer his own painful sensitivity. For this purpose, he adopted the familiar contrast between natural and the actual current in all the appeals to reason. But he did not appeal to reason. On the contrary, he termed the contrast into an attack upon reason. Against intelligence, the growth of knowledge and the progress of science which the enlightened believes to be the only hope of civilization, said amiable and benevolent sentiments to be good. He criticized the idea of enlightenment since his early period. In his prize winning essay *Discourses on the Science and Art*, he depicted the drawbacks of science and arts including its impact on morality. According to him, science had brought moral degradation among man. He criticized the idea that science has brought progress. He termed it as an illusion. It was not progress and in fact was regression. The advancement of science and modern civilization has made individual life unhappy. It had made him less virtuous. He advocated for a simple society. He said virtue can be prevalent only in a simple society. In his criticism of modern advancement society, he alleged that man has been growing corrupt day by day. With the advancement of the civilizations man has become corrupt. He advocated that the abundance in the world has brought more evil than

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4. Which languages did Locke study at Westminster?
5. What kind of consents did Locke discuss in the case of a political community?

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good. According to him, luxury is the fertile source of corruption. It not only negatively impact man but also undermines the nations. He cited the example of *Athens*. It is because of its luxury, wealth, science and elegance that brought vices which led to its downfall in the long run. He also cited the example of Rome. As long as Rome was simple and devoid of luxury it had respect all over the empire but the time it embraced luxury and wealth it began to decline. He severely criticized the advancement of art and science. He argued that the minds of the human beings have been corrupted in proportion as the arts and science have advanced through the ages. To him, the much-vaunted politeness, the glory of civilized refinement was a 'uniform perfidious veil' under which he saw jealousy, suspicion, fear, wildness, reverse, fraud and hate. Science brought intelligence and knowledge revolution. The supporter of enlightenment eulogized it. But he against this notion gave preference to amiable and benevolent sentiments, the reverence and goodwill. He preferred sentiments and conscience to reason. He argued intelligence was dangerous because it undermined reverence. He termed science as destructive because it undermined faith. Reason was bad to him because it undermined morality. For Rousseau, morality is nothing other than the ability to see oneself through the eyes of others and act appropriately. This is a fascinating description of morality. Learning to live with others is the essence of morality. Humans have the capacity to act morally but it is not natural in the sense of being fully fixed in all humans from birth. It is capacity that has to be developed, educated and nurtured.

2.4.2 Critique of Civil Society

Rousseau maintained that liberty in the state of nature was a great boon. However, with the increasing population and the depletion of the treasures of nature it was no longer possible for man to enjoy natural liberty as before. Thus, in the changed circumstances, the natural liberty was threatened when the forces of nature no longer sustains them, they have to consolidate their own force to save themselves. They, therefore, create a civil society to maintain their freedom. According to him, vanity among human beings and difference in property and possessions led to inequality. The rich became richer and poor became poorer. Laws were enacted to protect property rights. Civil society degenerated into a state of war, extreme inequality, ostentation, cunning, ambition and enslavement. Through laws and other political devices, the rich were able to corner power and dominate, while the poor descended into slavery. Civilized man was born a slave and died as one.

In the state of nature, man was a 'noble savage'. He lived in isolation and had limited desires. According to him, it was neither a condition of plenty nor scarcity. There was no conflict for cooperative living. Individual had no language or knowledge. They had no idea of any art or science. He argued in this type of situation man was neither happy nor unhappy. He had no conception of just and unjust, vice and virtue. He was not guided by reason, but guided by self love or the instinct of self preservation. This state of nature was not perennial. Gradually individuals discovered the utility and usefulness of labour. Man began to collaborate and created a provisional order. It led to a patriarchal stage when man began to build shelter for themselves and families stayed together. He began to use language and reason. The division of labour came into being. It led him from the subsistence economy to an economy of productive development. Individuals learned metallurgy and agriculture. It gave him iron and corn and made him civilized. However, it ruined humanity and morality. The growth of agriculture and division of labour created the idea of property. *Rousseau* famously

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stated that 'the first man who after fencing of a piece of land, took it upon himself to say 'this belongs to me' and found people simple minded enough to believe was the true founder of civil society'. The man's talents and skills created inequality among the people. The longing for possession and wealth led to enslavement of some people and led to conflict and competition. It is this conflict, which led a demand for a system of law to ensure order and peace. Especially the rich people demanded it to save their possession and wealth. Thus, the social contract envisioned by the rich was to maintain their status and position. As a result of this demand and social contract, the civil society and law was originated. It brought ban to the poor and boon to the rich. It destroyed natural liberty.

According to *Rousseau*, the emergence of civil society degenerated human society. He argued that the natural man lost his ferocity once he began to live in society. As a result, he became weak. He lost natural independence as his desires were expanded and comforts became a necessity. He became dependent which created problems in human relationship as they became vain and contemptuous. Their vanity brought various social ills. Vanity overpowered man and guided his actions which degenerates the minds of people and the society at large. He also severely criticized enlightenment which believes in human progress of reason through science and technology. It brought down moral improvement thereby led to human unhappiness in his book *Emile*. He stated that though God has made all things good it was man who meddled with them and made them evil.

It is in his *The Second Discourse on the Origins of Inequality* he developed his views expressed earlier in his prize-winning essay *Discourses on the Science and Arts*. In this work, he narrated the fall of man. He highlighted how nature got twisted, warped and corrupted with the emergence of civil society. The civil society was necessitated by the rise of the institution of private property and the need to defend it by institutionalizing social inequality through law. Thus, he underlined the difference of 'natural man' and 'civilized man'. He appreciated the natural man and criticized severely the civilized man who was created as a result of the emergence of civil society.

2.4.3 General Will

The creation of popular sovereignty by vesting it in the *General Will* was a unique contribution of Rousseau which led the foundation of modern democracy. The concept of *General Will* is the central theme of Rousseau's doctrine. It is distinguished from other types of human will. According to him, the General Will is always right, that is the will that one has as a citizen when one thinks of the common good and not of one's own particular will as a private person. Many later thinkers have used the distinction between actual will and real will in order to explicate *Rousseau's* distinction between particular will and General Will. The existence of these two types of will is a source of conflict with in the minds of man. Actual will is motivated by his immediate, selfish interest whereas real will is motivated by his ultimate collective interest. Actual will is concerned with his ordinary self where as real will with his better self. The satisfaction of his desire is the aim of his actual will but real will induces him to acts of reason. The characteristic of actual will can be termed as transient, unstable and inconsistent whereas real will is stable, constant, consistent and determinant. The actual will is detrimental to human freedom. Thus, to attain freedom the individuals should follow the direction of the real will. His real freedom is reflected by the real will. The real

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will is concerned with the interest of the community and subordinates his self interest. The problem is that individual at times may not be able to discriminate between his actual will and real will. This problem can be eliminated by the transition from the 'particular' to 'general' will. The general will is the harmonization of the interest of each with those of all. However, it is not a 'compromise' or the lowest common factor. It is an expression of the highest in every man. It reflects the true spirit of citizenship. Unlike particular will the General Will always guides individual through a proper way.

Rousseau believed a unified collective view would emerge for two reasons. First of all, he envisaged a relatively simple society of farmers and artisans with no rich or poor (though he railed against property, he never advocated its abolition), a situation that it is the duty of the sovereign to maintain. All are equal and consequently there would be few conflicts and what is good for society would be relatively simple, a situation in which it would be easy inculcate love of the community. According to him, the General Will would be the source of all laws. The human being would be truly free if he followed the dictates of the law. Civil liberty meant freedom from the assault of others, from following the arbitrary will of another person, and obedience to one's notion of liberty.

Of course, if one had to be free then one had to obey one's own will which mean that one's will, and the laws of a state would have to be in harmony. The free state would be a consensual and participatory democracy. He categorically said that the General Will could emerge only in an assembly of equal law makers. It could not be alienated. The 'executive will' could not be the 'general will'. Only the legislative will, which was sovereign, could be the General Will. For Rousseau it was the direct democracy that embodied the legislative will. The individual participated in the articulation of the General Will, for citizenship was the highest that one could aspire for. The General Will could not be the will of the majority. In fact, it didn't represent the will of all; it was the difference between the sum of judgments about the common good and the more aggregate of personal fancies and individual desires. It would always aim and promote the general interest and will of its members.

According to Rousseau, submission to the General Will creates freedom. He spoke of a total surrender but not to a third party. Unlike Hobbes, he vested sovereign power in the political community. He created a sovereign which was inalienable and indivisible. But it was not vested in a man or a group of men rather it was vested in a body politic. The people cannot give away, or transfer, to any person or body their ultimate right of self government, of deciding their own destiny. Thus, he expounded the concept of popular sovereignty. His concept of inalienable and indivisible sovereignty does not permit the people to transfer their legislative function, the supreme authority of the state to the organs of government unlike Locke. So far as the judicial and executive functions are concerned, they have to be exercised by special organs of the government, however, they are completely subordinate to the sovereign people. Sovereign power cannot be represented. He maintained that representative assemblies ignore the interest of the community and are often concerned with their particular interest. This is the reason why he advocated direct democracy. Sovereignty originated with the people and stayed with them. For him, government and sovereign were different. According to him government was the agent of the General Will which is vested in the community. Sovereign to him was the people constituted as a political community through social contract.

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It would be pertinent to mention here that Rousseau, in his book *The Discourse on Political Economy*, first coined the term General Will. He points out in the book that General Will tends always to the preservation and welfare of the whole end of every part, and is the source of the laws, constitute for all the members of the state in relation to one another and to it, the rule of what is just and unjust. It is an outcome of the moral attitude in the heart of citizens to act justly. Here an individual sacrifices his private interest and embraces the public interest. The General Will is emerged from all and applied to all. It comprises rational will of all the members of the community. He pointed out that if someone refuses to obey the General Will he can be compelled to do so. He famously advocated that man can be forced to be free. When a man is being compelled to obey the General Will it essentially means that he is being asked to follow his own best interest because it is by obeying the General Will that he can express his moral freedom. Obedience to the General Will is not the corrosion of their liberty because obedience to the General Will essentially implies obedience to part of their own selves.

In a nutshell, Rousseau advocated a policy that would aim for the general rather than the particular interest of its members. The freedom that the noble savage enjoyed in the state of nature would be possible under the right kind of society governed by the 'General Will'. Society and the individual, in his theory were complementary.

ACTIVITY

Analyse Jean Jacques Rousseau's beliefs on government and human nature vis-à-vis others like Locke and Hobbes.

DID YOU KNOW?

Rousseau argued against too much bookish knowledge and for natural experiences to inform young minds. Today, something called the "tool" model carries on this tradition. It is argued that knowledge is increasing so rapidly that spending time to stockpile it or to study it in books results in information that is soon outdated. We need to give our students the "tools" of learning, and then they can find the requisite facts, as they become necessary to their experience.

2.5 SUMMARY

In this unit, you have learnt that:

- The main concern of Thomas Hobbes (1588–1679) was related to the problem of social and political order: He discusses the topic of human beings living together in peace and avoiding the danger and fear of civil conflict.
- John Locke was an Oxford scholar, medical researcher and physician. He was also a political operative, economist and ideologist for movement that was directed towards revolution. In addition, he belonged to the league of great philosophers of the latter part of the seventeenth century and the initial part of the eighteenth century.

- Locke's writings were based on numerous topics, the most important of them was toleration.
- Jean-Jacques Rousseau was one of the most influential thinkers during the Enlightenment in the Europe of the 18th century. His first and foremost work of philosophy was, *A Discourse on the Sciences and Arts*, was the winning response to an essay contest conducted by the Academy of Dijon in 1750.

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2.6 KEY TERMS

- **Theology:** The study of religious faith.
- **Diffident:** Lacking or marked by a lack of self-confidence.
- **Forbear:** Refrain from doing or using something.
- **Lobotomization:** To perform a lobotomy.
- **Stoic:** One who is seemingly indifferent to or unaffected by joy, grief, pleasure, or pain.
- **Enlightenment:** A state of self-realization.

2.7 ANSWERS TO 'CHECK YOUR PROGRESS'

1. *Thomas* Hobbes was, one of the greatest political thinkers in the history of political thought.
2. The intellectual career of Hobbes was very significant because he disagreed so roundly and radically with the prevailing orthodoxy of his time.
3. Hobbes used the expression 'right of nature,' or 'natural right,' in a variety of ways.
4. Locke's studies at Westminster were centred upon the classical languages of Latin and Greek and he also studied Hebrew.
5. He discussed about two kinds of consent: (i) express or direct, and (ii) tacit consent.
6. In his book '*Confession*' he said that it is only after many years that he began to educate himself.
7. The creation of popular sovereignty by vesting it in the *General Will* was a unique contribution of *Rousseau* which led to the foundation of modern democracy.

2.8 QUESTIONS AND EXERCISES

Short-Answer Questions

1. Why is man called 'a noble savage' in the state of nature by Rousseau?
2. List the array of fields that received contribution from Thomas Hobbes.
3. How was Rousseau critical of the civil society?
4. What are the two laws of motion that govern human beings according to Hobbes?
5. Write a short note on the idea of state of nature according to Hobbes.

Check Your Progress

6. What did Jean Jacques Rousseau say in his book, *Confession*?
7. Which work of Rousseau led to the foundation of modern democracy?

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Long-Answer Questions

1. What were the reasons for Rousseau to believe that unified collective view would emerge?
2. Write a note on the argument pertaining to the state of nature and natural rights as propounded by John Locke.
3. Describe Rousseau's projection of the revolt against reason.
4. Write a short note on the following:
 - J.J. Rousseau
 - Locke
 - Hobbes

2.9 FURTHER READING

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UNIT 3 JEREMY BENTHAM

Structure

- 3.0 Introduction
- 3.1 Unit Objectives
- 3.2 Jeremy Bentham
- 3.3 Political Philosophy
 - 3.3.1 Utilitarian Principle
 - 3.3.2 Views on Political Society
 - 3.3.3 Views on State, Law and Liberty
 - 3.3.4 Views on Jurisprudence and Punishment
- 3.4 The Panopticon
- 3.5 Summary
- 3.6 Key Terms
- 3.7 Answers to 'Check Your Progress'
- 3.8 Questions and Exercises
- 3.9 Further Reading

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3.0 INTRODUCTION

Jeremy Bentham was an English philosopher and a social reformer. He is primarily known for his moral philosophy, especially his principle of utilitarianism, which evaluates actions based upon their consequences. Influenced by many enlightenment thinkers such as John Locke and David Hume, Bentham developed an ethical theory grounded in a largely empiricist account of human nature. Happiness for him was a matter of experiencing pleasure and lack of pain.

3.1 UNIT OBJECTIVES

After going through this unit, you will be able to:

- Describe the life and times of Jeremy Bentham
- Define the utilitarian principle and its implication towards legislation
- List the basic tenets of Bentham's ideas of political philosophy
- State Bentham's views on prison reforms and his idea of the Panopticon
- Assess the conception of the state in line with utilitarian principles and the theory of pain and pleasure

3.2 JEREMY BENTHAM

Life Sketch

Jeremy Bentham, widely known as the founder of utilitarianism, also played the multiple roles of a philosopher, a jurist, a social reformer and an activist. A leading theorist in Anglo-American philosophy of law, Bentham is seen as a political radical whose ideas paved the way for the development of welfarism. He is popularly associated with the concept of utilitarianism, and the panopticon. His position entailed

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arguments in favour of individual and economic freedom, usury, the separation of church and state, freedom of expression, equal rights for women, the right to divorce, and the decriminalizing of homosexual acts. He also fought for the abolition of slavery and the death penalty and for the elimination of physical punishment, including that of children. Even though he was on the side of extension of individual legal rights, he was against the idea of natural law and natural rights, referring to them as 'nonsense upon stilts.' He can be seen as one of the most influential utilitarian and his ideas were brought to the fore through his works and that of his students. Here we have his secretary and collaborator on the utilitarian school of philosophy, James Mill; James Mill's son J. S. Mill; John Austin, legal philosopher; and several political leaders, including Robert Owen, a founder of modern socialism. He is considered the godfather of University College London (UCL).

Bentham is often seen in relation with the foundation of the University of London specifically University College of London (UCL), even though when UCL opened in 1826, he was 78 years old and played no active part in its foundation. The probable explanation is that UCL may not have been possible without his inspiration. Among Bentham's strong beliefs was that education should be more widely available, specifically to those who were not wealthy or who did not belong to the established church – two requirements that had to be fulfilled by both the students by Oxford and Cambridge. UCL, being the first English university to open its doors to all irrespective of race, creed or political belief, can be seen, thus, to be largely in consonance with Bentham's vision. He is credited with overseeing the appointment of one of his pupils, John Austin, as the first professor of Jurisprudence in 1829.

Born on 15 February 1748, in London in a prosperous middle class family, Bentham's mother died when he was ten. His father was very strict and demanding and arranged a thorough education for Bentham. Such an upbringing rendered Bentham's childhood monotonous and gloomy. Even as a child, Bentham could be seen as deriving his primary source of enjoyment from reading books with no inclination to play, reflecting his serious outlook.

An incident from his childhood suggests that he was nothing short of a child prodigy: Once, as a toddler, he was found sitting at his father's desk perusing a multi-volume book on history of England. He began studying Latin at the age of three. Bentham had close relations with Samuel Bentham, his one surviving sibling. He had training as a lawyer and, was called to the bar in 1769 despite the fact that he never even practiced. When the American colonies published their Declaration of Independence in July 1776, the British government instead of issuing an official response covertly commissioned London lawyer and pamphleteer John Lind to publish a rebuttal. His 130-page tract was sent for distribution in the colonies and included an essay titled 'Short Review of the Declaration', penned by Bentham, a friend of Lind's, which condemned and satirized America's political philosophy.

Bentham began learning Latin at the age of three and proceeded to Queens College, Oxford, at the young age of twelve. It is on being stationed there, that he began developing his critical stance towards ancient or traditional ideas and institutions. He espoused the view that the entire system of law needs an overhauling. He had a keen interest in science, particularly in Chemistry and Botany. He was inspired and influenced by the French Philosopher *Claude Adrien Helvetius* and *Cesare Bonesana*, Marquis of Beccaria. He also drew inspiration from *Feneton's Telemaque*. From Helvetius, he took the lesson which proclaimed legislation as the most significant of

all worldly pursuits. It is from the early 1770s, that we may trace the study of legislations becoming an important concern with Bentham. Though, he refrained from practicing law, he nonetheless concentrated on charting out what the law should be, rather than delving in what it was. The period from the early 1770s to the mid 1780s can be seen as marking an important phase of development of Bentham's ideas. During this time, he concentrated on trying to comprehend the rational basis of law, in England as well as in other countries. During the mid-1770s, at the age of 28, he wrote a lengthy piece criticizing William Blackstone's - *Commentaries on the Laws of England*. A portion of this piece appeared in 1776 as *A Fragment on Government*. This work had a profound influence on the Earl of Shelbourne, a Whig aristocrat, who henceforth became his close friend. During his close association with Earl of Shelbourne, Bentham got attracted to lady Shelbourne's niece *Caroline Fox*. This was his second love, the first being *Marry Dunkley*. However, neither of the relationships led anywhere, and he remained a bachelor.

Bentham began to give his time and commitment to practical areas like public administration, economic, social policy, in addition to working on developing a theory on law and legislation. He laid down details for the construction of a prison or factory or work house which is referred to as the Panopticon or the inspection house. The panopticon was viewed as the pivotal hinge of utilitarianism, for it would aid in scientifically meting out philosophic calculus by measuring pain justly. Though he welcomed the French Revolution and sent forth his reform proposals, none were accepted. Yet, he was made an honorary citizen of France in 1792 for his *Draught of a New Plan for the Organisation of the Judicial Establishment of France* (1790). The early 1800s were witness to an increase in his popularity and reputation, which began to garner attention even in far off places like Russia and countries in Latin America. In 1809, a close relationship between Bentham and James Mill (1773–1836) started taking root, with Mill being convinced of the urgent need for reforms. It is under Mill's influence, that Bentham can be seen as having become more radical. In 1817, he published *Plan of Parliamentary Reform* in the form of catechism, and 1819 saw the completion of the draft proposals of the *Radical Reform Bill*. An attack on the establishment church can be witnessed in the Church of England in 1818. The codification of law occupied a high priority for Bentham from the 1780s to the 1830s. He continued with his lifelong devotion to legal reform, looking upon it as a game. Other developments ascribed to Bentham include inventing devices like primitive telephones, suggesting reforms for the London police, the London sewage and drainage systems, devising a central heating system, running a law school from his home, labouring on a scheme for lowering the national debt, securing low interest loans for the poor, planning a national public education system, a national health service, and a national census, etc.

Even though leading an ascetic life himself, given that saints were idlers, he is to be seen as having regarded ascetism with contempt. He looked down upon spiritualism and claimed that spiritualism glorified unhappiness and distrusted pleasure. Spiritualism is, then, to be seen as being in opposition to Bentham's unwavering belief in happiness as the goal of all individuals. He helped in providing funds to the University of London. He also composed humorous songs and was fond of rituals. It is with progression in age that he is seen to have become light-hearted and casual. He began, and financed, the *Westminster Review* in 1824 with the aim of furthering his utilitarian principles.

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The list of books penned by him include - *An Introduction to the Principles of Morals and Legislation* (1789), *Anarchical Fallacies* (1791), *Discourse on Civils and Penal Legislation* (1802), *The Limits of Jurisprudence* (1802), *Indirect Legislation* (1802), *A Theory of punishments and Rewards* (1811), *A treatise on Judicial Evidence* (1813), *Papers Upon Codification and Public Instruction* (1817), *The Book of Fallacies* (1824). He also wrote *Rational of Evidence* (1827), which was edited by J. S. Mill. He also had several correspondences with the Indian thinker Ram Mohan Roy, who was his friend. Ram Mohan supported Bentham's negation of the natural right theory and the distinction between law and morals. He was also appreciative of the principle of utilitarianism. Bentham lived till the age of 84 and died on 6 June, 1832. Bentham left manuscripts which account for some 5,000,000 words. Since 1968, University College London has been working on an edition of his collected works. The Project is now attempting to bring about a digitization of the Bentham papers and outsource their transcription. So far, 25 volumes have come up; and there may be many more waiting in the wings to come out before the project is completed. While most of his work was never published in his lifetime; much of that which was published was readied for publication by others. Several of his works first came in French translation, prepared for the press by Etienne Dumont, while some made their first appearance in English in the 1820s drawing from back-translation from Dumont's 1802 collection of Bentham's writing on civil and penal legislation. The works which were published in Bentham's lifetime include:

(i) 'Short Review of the Declaration' (1776) was an attack on America's Declaration of Independence; and (ii) 'A Fragment on Government' (1776) which served as a scathing critique of some introductory passages relating to political theory in William Blackstone's *Commentaries on the Laws of England*. The book, published anonymously, got a good acceptance, and was ascribed to some of the greatest minds of the time. Bentham disagreed with several of the ideas propounded by Blackstone, such as his defense of judge-made law and legal fictions, his theological formulation of the doctrine of mixed government, his appeal to a social contract and his use of the vocabulary of natural law. Bentham's 'Fragment' was only a small part of a 'Commentary on the Commentaries', which remained unpublished until the twentieth century. (iii) *Introduction to Principles of Morals and Legislation* (printed for publication 1780, published 1789). (iv) *Defence of Usury* (1787). Jeremy Bentham wrote a series of thirteen 'Letters' addressed to Adam Smith, published in 1787 as *Defence of Usury*. Bentham's main argument against the restriction was premised on the view that 'projectors' generate positive externalities. Gilbert K. Chesterton identified Bentham's essay on usury as marking the very advent of the 'modern world.' Bentham's arguments had a far reaching influence. Many eminent writers tried to put an end to the restriction, and a repeal was strived for in stages and fully achieved in England in 1854. There is little evidence corroborating Smith's reaction. He did not revise the offending passages in *The Wealth of Nations*, but Smith made little or no substantial revisions after the third edition of 1784. (v) *Panopticon* (1787, 1791) (vi) *Emancipate your Colonies* (1793) (vii) *Traité de Législation Civile et Penale* (1802, edited by Étienne Dumont. 3 vols) (viii) *Punishments and Rewards* (1811) (ix) A Table of the Springs of Action (1815) (x) *Parliamentary Reform Catechism* (1817) (xi) *Church-of-Englandism* (printed 1817, published 1818) (xii) *Elements of the Art of Packing* (1821) (xiii) *The Influence of Natural Religion upon the Temporal Happiness of Mankind* (1822, written with George Grote and published under the pseudonym Philip Beauchamp) (xiv) *Not Paul But Jesus* (1823, published under the

pseudonym Gamaliel Smith) (xv) *Book of Fallacies* (1824) (xvi) *A Treatise on Judicial Evidence* (1825).

Jeremy Bentham

John Bowring, a British politician who had been Bentham's trusted friend, was appointed his literary executor and given the task of bringing forth a collected edition of his works. This appeared in 11 volumes in 1838–1843. Instead of basing his edition on Bentham's own manuscripts, Bowring based his edition on previously published editions (including those of Dumont), and he did not bring out any reprint of Bentham's works on religion. Even though Bowring's work includes significant writings, such as the one on international relations as Bentham's *A Plan for the Universal and Perpetual Peace*, written 1786–89, which forms part IV of the *Principles of International Law*, it has received criticism.

In 1952–54, Werner Stark published a three-volume set, *Jeremy Bentham's Economic Writings*, in which he tried collating all of Bentham's writings on economic matters, including both published and unpublished material. Not trusting Bowring's edition, he undertook great labour in reviewing thousands of Bentham's original manuscripts and notes; a task rendered much more difficult because of the way in which they had been left by Bentham and organized by Bowring.

The Utilitarian Principles

The school of thought called Utilitarianism dominated English political thinking from the middle of the 18th century to the middle of the 19th century. Some of the early utilitarians were Francis Hutcheson, Hume, Helvetius, Priestly, William Paley and Beccaria. However, it was Bentham who established the theory of Utilitarianism and rendered it popular on the basis of his endless proposals for reform. As Russell has rightly pointed out, Bentham's significant contribution is to be located not so much in the doctrine but to various practical problems. It was through his friendship with James Mill, the father of John Stuart Mill, that Bentham got acquainted with the two greatest economists of his time — Malthus and David Ricardo - and was able to learn classical economics from them. This group of thinkers referred to themselves as philosophic radicals and aimed to bring about a revolutionary transformation of England into a modern, liberal, democratic, constitutional, secular state based on market economics. Utilitarianism was used interchangeably with philosophic radicalism, individualism, laissez faire, and administrative nihilism.

The seminal assumptions of utilitarianism postulated that human beings, naturally so, sought happiness, that pleasure alone was good, and that the only right action was that which produced the greatest happiness of the greatest number. In espousing such assumptions, the utilitarian thinkers can be seen reiterating the ideas of the Greek thinker - Epicurus. Bentham lent a scientific colour to this pleasure – pain theory and brought it in application in the context of the policies of the state, welfare measures, and the administrative, penal and legislative reforms. He brought to the fore a psychological perspective on human nature. He conceived human beings as creatures of pleasure. In his analytical inquiry, he used the benchmark of utility. His book, *Introduction to the principles of Moral and Legislation*, provides an explanation of his theory of utility. The central principle undergirding his theory states that the state is useful only so long as it caters to the 'Greatest Happiness of the Greatest Number'. The 'Greatest Happiness Theory', in turn, is based on a psychological and hedonistic theory of pleasure and pain.

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Bentham's ambition in life was to create a 'Pannomion' - a complete utilitarian code of law. Bentham not only brought to the fore many legal and social reforms, but also elaborated on an underlying moral principle on which they should be based. The argument being put forward here stated that the right act or policy was one which would lead to 'the greatest good for the greatest number of people, also known as 'the greatest happiness principle' or the 'principle of utility'.

Bentham also brought to the fore a procedure which would aid in gauging the moral status of any action, which he referred to as the Hedonistic or felicific calculus. Utilitarianism was revised and expanded by Bentham's student John Stuart Mill, and it is due to Mill's that, 'Benthamism' became a primary component which was deployed in the liberal conception of state policy objectives.

Bentham proposed a classification of 12 pains and 14 pleasures and 'felicific calculus' by which we might test the 'happiness factor' of any action. Nonetheless, it should not be forgotten that Bentham's 'hedonistic' theory unlike Mill's, is often said to be devoid of the principle of fairness, which is entrenched in a conception of Justice. In 'Bentham and the Common Law Tradition', Gerald J. Postema states: 'No moral concept suffers more at Bentham's hand than the concept of justice. There is no sustained, mature analysis of the notion . . .' In the light of this, we have some critics objecting to Bentham's proposition in that it seems to suggest that it would be acceptable to torture one person if this would produce an amount of happiness in other people outweighing the unhappiness of the tortured individual. However, as argued forcefully by P. J. Kelly in his book, *Utilitarianism and Distributive Justice: Jeremy Bentham and the Civil Law*, Bentham had a theory of justice that aimed at prevention and circumvention of such consequences. According to Kelly, for Bentham the law 'provides the basic framework of social interaction by delimiting spheres of personal inviolability within which individuals can form and pursue their own conceptions of well-being.' It gives security, which serves as a necessary precondition for the formation of expectations. As is witnessed in the hedonic calculus, which shows 'expectation utility' to be much higher than natural ones, we can see that Bentham does not favour the sacrifice of a few for the benefit of many.

Bentham's *Principles of Legislation* highlights the principle of utility and explains the way this view of morality feeds into legislative practices. His principle of utility hails 'good' as that which aids the production of the greatest amount of pleasure and the minimum amount of pain, while 'evil' is conceived as that which produces the most pain without the pleasure. This concept of pleasure and pain is defined by Bentham as being of both a physical as well as spiritual nature. Bentham delineates this principle as it manifests itself within the legislation of a society. He lays bare a set of criteria for gauging the extent of pain or pleasure that a certain decision will create.

Deploying these measurements, Bentham takes a review of the concept of punishment and tries to fathom when it should be used, and whether a punishment will end up creating more pleasure or more pain for a society. He tells legislators to determine whether punishment can lead to an even more evil offense. Instead of bringing down evil acts, Bentham is arguing that certain unnecessary laws and punishments could ultimately lead to new and more dangerous vices than those being punished to begin with. These statements are followed by propositions explaining how antiquity, religion, reproach of innovation, metaphor, fiction, fancy, antipathy and sympathy, and imaginary law are not a sufficient justification for the creation of legislature. Rather, Bentham is calling upon legislators to measure the pleasures and

pains associated with any legislation and to bring forth laws in order to enable the greatest good for the greatest number. He argues that the conception whereby the individual pursues his or her own happiness cannot be necessarily declared 'right', since often these individual pursuits can lead to greater pain and less pleasure for the society as a whole. Hence, the legislation of a society is integral to maintaining a society with optimum pleasure and the minimum degree of pain for the greatest amount of people.

Pleasure and pain theory, which is quite abstruse, is brought to the fore by Bentham in a simple and accessible manner. He points out that human beings are creatures of feeling and sensibility, while reason is only a feeling or passion. All experiences are either to be seen as pleasurable or painful. That action is deemed good which increases pleasure and decreases pain, whereas, that action is deemed bad which decreases pleasure and increases pain. The benchmark for judging the goodness or badness of every individual's actions is the pleasure-pain theory. Bentham advocated that 'nature has placed mankind under the governance of two sovereign masters - pain and pleasure. It is incumbent on them alone to point out what we ought to do, as well as to determine what we shall do. So, we have on one hand, the standard of right and wrong, and on the other, the chain of causes and effects. Achievement of pleasure and avoidance of pain are, however, not to be seen as the sole motivating forces of human behavior; they also set the standards of values in life'. According to him, what applies to the individual's morals, applies with equal force statecraft. He further pointed out that the action of the state is to be adjudged good, if it increases pleasure and decreases pain. All actions must then be judged by significant yardstick. Sabine in his book *History of Political Theory* points out that this principle was held by the utilitarians to be the only rational factor, guiding both private morals and public policy. The seminal function of jurisprudence is sensorial, while criticism of the legal system is carried out keeping in mind its improvement. For such criticism to function, a standard of value is required, and that can be gathered only from the principle of utility. He pointed out that it is the greatest happiness of the greatest number on the basis of which we may ascertain the issue of right and wrong. All actions of the state should be geared towards providing the greatest good of the greatest number. Hence, utilitarianism is to be seen as implying both individualism and democracy.

In Bentham's framework, pleasure and pain can be quantitatively and arithmetically calculated and measured, and a comparison can be drawn between the two qualities. In order to gauge pleasure and pain, he advocated the doctrine of felicific calculus. The sum of the interests of the several members composing it is the interest of the community. The calculation here would entail that the happiness of each person is to count for one and none is to account for more than one. He delineated a list of some factors which would be used to measure pleasure and pain:

- Intensity
- Duration
- Certainty or uncertainty
- Nearness or remoteness
- Purity
- Extent
- Fecundity

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While the first four factors are clear, the fifth factor *purity* means that pleasure is one which is not likely to be followed by pain. The sixth factor *extent* refers to the number of persons who might be affected by this particular pleasure or pain. The seventh factor *fecundity* refers to productivity. Bentham's formula of calculation entails that we should make an addition of the values of all the pleasures on one side, and those of all the pains on the other. The balance or surplus of any of the sides will be an indication if it is to be deemed good or bad. Based on his felicific calculus, he has tried to render ethics and politics as exact sciences like physics and mathematics. In the words of Wayper, 'The doctrine of utility is a doctrine of quantitatively conceived hedonism - it can recognize no distinction between pleasures except a quantitative one. He contended that human beings by nature were marked by hedonism. Each of their actions drew from a desire to seek pleasure and avoid pain. Every human action could be traced to embody a cause and a motive. He saw hedonism not only as a principle of motivation, but also as a principle of action. He listed 14 simple pleasures and 12 simple pains, which were then classified into self-regarding and other regarding groups. Only two, benevolence and malevolence, were put under other-regarding action. Under self-regarding motives, he listed physical desire, pecuniary interest, love of power and self-preservation. Self-preservation would include fear of pain, love of life, and love of ease. He described four sanctions which would serve as sources of pain or pleasure, such as physical sanction, political and legal sanction, moral or popular sanction and religious sanction. He postulated that an adult individual is to be hailed as the best judge of his own happiness, and to be seen worthy of pursuing it without harming the happiness of others. He traced an essential connection between the happiness of an individual and that of the community, and offered the principle of utility as a standard which would aid in framing laws to obtain overall happiness and welfare of the community. 'I' was constantly emphasized by him, that a person's actions and policies had to be judged against his intention geared towards furthering the happiness of the community. The end and the goal of legislation were to follow the rule: 'each is to count for one and no one for more than one'. His defense of the principles of utility led him to plead a case for democracy, manhood, and, later on, universal suffrage, including female enfranchisement. As Bentham postulated, suffrage and democracy were to be seen as integral for the realization of the greatest happiness principle.

His views regarding monetary economics are to be seen as being at great variance from those of David Ricardo; however, they both exhibited certain affinities with Thornton. He focused on monetary expansion as a means of helping to create full employment. Bentham also underlined the relevance of forced saving, propensity to consume, the saving-investment relationship, and other matters that underlie the content of modern income and employment analysis. His monetary view can be seen as having a close affinity with the fundamental concepts deployed in his model of utilitarian decision-making. His work is to be seen as occupying the centre stage of modern welfare economics.

Bentham stated that pleasures and pains can be graded according to their value or 'dimension' such as intensity, duration, certainty of a pleasure or a pain. He was occupied with thinking out the maxima and minima of pleasures and pains; and this engagement triggered the trajectory which would see a future employment of the maximization principle in the economics of the consumer, the firm, and the search for an optimum in welfare economics.

3.3 POLITICAL PHILOSOPHY

More popular of Bentham's works are *Fragments on Government* and *Introduction to the Principles of Moral and Legislation*, in which he has laid out his political philosophies which can be discussed under following heads.

3.3.1 Utilitarian Principle

Though, the principle of utility has been discussed in detail, we can retrace here a brief outline since it is one of the most significant political ideas propounded by Bentham. As said earlier, he was not the originator of this idea. He borrowed it from Priestley and Hutcheson. However, Bentham reworked the idea, and owing to his attributing to it great significance, this idea became an integral part of his philosophical system and also a watch-word of the political movement of the later 18th and early 19th century. The keynote of this principle postulates that the state is useful only so long as it caters to the 'greatest happiness of the greatest number'. The 'greatest happiness' theory in turn is based on a psychological and hedonistic theory of 'pleasure and pain'. Bentham highlighted that, action is good which increases pleasure and decreases pain. The yardstick of judging the goodness or badness of every individual's action is the pleasure-pain theory. According to him, what applies to the individual morals, applies with equal force to statecraft. The seminal idea which needs to be grasped here is that pleasure and pain can be quantitatively and arithmetically calculated and measured.

3.3.2 Views on Political Society

With respect to the origin of the political society, Bentham blatantly rejected the contract theory as absorbed. He rejected the view which saw children as being bound by the oral or written words of their forefathers. He brought to the fore a harsh criticism of the theory of natural rights. According to him, the state is founded on the selfish interest of the individuals. People obey the demands of the state as it furthers their selfish interest, their life, and property. In his view, the political society has existed and will continue to exist because it is believed to promote the happiness of the individual who compose it. Hence, succinctly put, the origin of the state is in the interest, welfare, and happiness of individuals which comprise it. It is the principle of utility which is to be credited with binding individuals together. The utilitarian concept conceives the state as a group of persons organized for the promotion and maintenance of the greatest happiness of the greatest number of individuals comprising it. Bentham's view of the state entails that 'any corporate body, such as state all society is evidently fictitious. Whatever is done in its name is done by someone, and it's good, as he said, is the sum of the interests of the several members who compose it.'

3.3.3 Views on State, Law and Liberty

According to Bentham, the modern state is to be viewed as an ideal, and an aspiration which examines the technique of state building and the method that would promote modernization. He regarded diversity and fragility within political order as inevitable. He saw the state as a legal entity with individualism as its ethical basis. He saw modernization as entailing two things: on the one hand, it required a broad based and diversified legal system which would take stock of desires of individuals and on the other hand, it comprised of institutions that would extend support to the legal system,

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aiding in namely the Bureaucratization of public service and legislation as a continual process, accommodating both change and diversity. He kept secure the individualist notion of moral autonomy with due priority given to individual interest. According to Hume, 'Bentham's theory brought together in a particular way the two great themes of modern political thought: individualism and the modern sovereign state.'

Bentham came up with ideas and devices geared to guarantee governmental protection of individual interest, ensuring that public happiness should be seen as the object of public policy. Government is to be seen as a trust with legislation as the primary function and uniformity, clarity, order and consistency were to be seen as crucial for both law and order. He was equally conscious of the need for institutional safeguards which would see to it that the government pursued public interest. He championed universal adult franchise and recommended it to all those who could read the list of voters. Further, he conceived of the state as comprising a number of persons who are supposed to be in the habit of paying obedience to a person, or an assemblage of persons, of a known and certain description. Such a group of persons taken together is to be seen comprising a political society. In his *Constitutional Code*, Bentham reserved for the people the power to select and dismiss their leader, and to ensure that the interest of the rulers were closely linked with those of the people. For furthering this, he recommended the abolition of monarchy and the House of Lords, checks on legislative authority, unicameralism, secret ballot annual elections, equal electoral districts, annual parliaments and election of the prime minister by the parliament. He saw representative government as providing a solution to the problem. He considered constitutional representative democracy as an overall political arrangement which was seen secured by measures like widespread suffrage, an elected assembly, frequent elections, freedom of the press, and of associations providing a guarantee against misrule. He regarded constitutional democracy as being of great significance to all nations and all governments who were in possession of liberal opinions.

Bentham postulated that the state was the only source of law. The main purpose of the state is to frame laws which attend to the greatest happiness of the greatest number. According to him, law is to be seen as comprising the command of the sovereign, and binding on the subjects. But the individuals obey the law of the state only because it furthers their interest. In the words of Wayper, 'because law is a command, it must be the command of a supreme authority.' Indeed it is only in the case where such an authority is regularly obeyed, that Bentham is prepared to admit the existence of civil society. His state, thus, is to be seen as a sovereign state. It is the sign of a sovereign state that nothing it does can be illegal. Law is the sole source of all rights of the individuals. There is no such thing as natural rights, and all rights are civil rights. The individuals can never plead natural law against the state. According to Bentham, natural rights are not to be ascribed any significance. The basis of the political obligation comprises partly habitual obedience of the laws of the state by the individuals and partly the calculated self-interest of the individuals. Even though Bentham strongly believed that rights cannot be maintained against the state, yet he justified opposition to the state if that opposition will end up producing less pain than continued obedience. According to him, liberty is not to be perceived as an end in itself. Happiness is the only final criterion and liberty must bow to that criterion. The end of the state is maximum happiness and not maximum liberty. This concept of a state can only be a democracy and that too a representative democracy. In such a state all men should have equal rights. However, the concept of equality of rights is not

premised on any abstract notion of natural law, but rather rests on the concrete idea that every individual seeks to pursue his interest to the best of his mind. All individuals are invested with equal rights including right of property in the eyes of law, despite the fact that by nature they may not be equal. Protection of property is one of the ways to ensure a furtherance of one's happiness. However, Bentham also believed that law should strive for facilitating an equal distribution of property and removal of gross inequalities. In opposition to natural rights and natural law, Bentham recognized legal laws and rights that were enacted and enforced by a duly constituted political authority or the state. He defined law as comprising the command of the sovereign, and postulated that the power of sovereign be seen as indivisible, unlimited, inalienable, and permanent.

Bentham defined liberty as signifying an absence of restraints and coercion. Crucial to his concept of liberty was the idea of security, which brought together his idea of civil and political liberty. For him, the principle of utility provided the objective moral standard, which was seen as being considerably at variance from other theories that supplied purely subjective criteria.

Even though Bentham downplayed the sanctity of natural rights formulations, he acknowledged the importance of right as being essential for the security of the individual. He rejected not just the idea of natural and inviolable right to property, but also the idea of absolute right to property since the government had the right to interfere with property to usher in security. He backed the need for adequate compensation in case of a violation of the individual's right to property. Property, for Bentham, was neither natural, nor absolute, and nor inviolable.

3.3.4 Views on Jurisprudence and Punishment

One of the most significant aspects of Bentham's political philosophy is located in the sphere of jurisprudence and reforms in criminal law and prison. There was no limitation imposed on the legislative power of the state, not even in the customs and conventions. While the state may take help from customs and established institutions, there were no checks on the legislative competence of the state. Bentham brought to the fore his popular distinction between 'descriptive' and 'sensorial' jurisprudence; namely what the law ought to be or whether a particular law was bad or good, to establish the validity of moral propositions about legal rights. Bentham's greatest achievement comprises his attempt to apply the principle of greatest happiness of the greatest number to all the branches of law - civil and criminal, procedural law as well as to the organization of the judicial system. For furthering this end, he suggested several reforms in civil and criminal laws and procedures. He was entirely for simplification of English law and international law. As a jurist and legal reformer, he brought to the fore liberal reforms in antiquated British law and procedure. The whole of the 19th Century legislation of England can be seen as resulting from his laborious endeavours. Bentham suggested diverse ways and means by which justice could be administered cheaply and expeditiously. He postulated that justice delayed is justice denied. He suggested that acts of the parliament should be framed in simple and easily accessible language to ensure that the lawyers do not cheat the public at large. The highly technical, rigid, obscure, capricious and dilatory legal procedures existing during his time were nothing short of a conspiracy on the part of the legal profession to misguide the public. Bentham suggested that there should be single-judge courts, since the multi-judge courts led to a shirking of responsibility. He also furthered the suggestion that judges and other

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officers of the court should be paid regular salaries instead of ad hoc fees. Further, he also attacked the jury system.

In the context of punishment, he maintained that penalty is an evil but a necessary one. It is an evil since it engenders pain, but it can be justified if it is seen as either preventing a greater future evil or repairing an evil already committed. Bentham strongly believed that punishment should be in consonance with the crime committed, and that under no circumstance should it exceed the damage done. He was not for death penalty, except in very rare cases. He was also in favour of doing away with other savage penalties from the British legal system, and suggested diverse reforms in the treatment being doled out to the prisoners. Here, the state was required to tailor the punishment with regard to the offence in such a manner which would restrain the offender from committing a crime, or at least from repeating it. To aid in the furtherance of these reforms, Bentham has given a detailed account of various punishments to be given in particular circumstances.

3.4 THE PANOPTICON

The starting point of Bentham's political theory was his strong belief that there was need for extensive reforms in British society and particularly in English law and judicial procedure. He critiqued the existing laws and the machinery, as well as the methods of executing them and proposed detail scheme of his own. Most of the law reforms since Bentham's day can be traced to his influence. Sir Henry Maine once said 'I do not know a single law reform affected since Bentham's day which cannot be traced to his influence'. As earlier stated, Bentham postulated a theory of punishment. In this context, he envisaged the construction of a prison which came to be known as the Panopticon. This model prison was designed by him for the British Government in the 1790s. While he envisaged that the British Government would buy a piece of land to construct the prison, to his disappointment the project could not be concretized.

Bentham conceived of the Panopticon to be the hallmark of utilitarianism. His concept of the felicific calculus was to be deployed in this institution. However, it would be significant to keep in mind that the Panopticon envisioned by Bentham was more than a mere prison. It was to serve as a model for any disciplinary institution. Besides being a jail house, it could as easily be a school, hospital, factory, military barracks, etc. According to Michel Foucault, the Panopticon represents a pivotal moment in the history of repression — the transition from the inflicting of penalties to the imposition of surveillance. In his book *Power/Knowledge*, Foucault has extensively dealt with the details which went in the building of prisons: 'the prison was a perimeter building in the form of a ring. At the centre of this, there is a tower pierced by large windows opening on to the inner face of the ring. The outer building is divided into cells, each of which traverses the whole thickness of the building. These cells have two windows, one opening on to the inside, facing the windows of the central tower, the other, the outer one, allowing day light to pass through the whole cell. All that is then needed is to put an overseer in the lower end place and in each of the cells a lunatic, a patient, a convict, a worker or a school boy. The back lighting enables one to pick out from the central tower the little captive silhouettes in the ring of cells. In short, the principle of the dungeon is reversed; day light and the overseer's gaze capture the inmate more effectively. The prisoners, who have no contact with each

Check Your Progress

1. To what is Bentham most popularly associated with?
2. Which university was inspired by Bentham's ideas?
3. Name some of the early utilitarians.
4. What does the principle of utility involve?

other, feel as if they are under the constant watch of the guards. There is no need for arms, physical violence, material constraints, but just a gaze. An inspecting gaze which each individual will end up interiorizing to the point that he becomes his own overseer; each individual thus exercising this surveillance over, and against, himself.' Bentham suggested an incorporation of 'Big Brother' supervision, coupled with fourteen hours a day, long hours on the tread wheel accompanied by Martial music, while completely rejecting solitary confinement as abhorrent and irrelevant. In his utilitarian mission to prevent crime, he advocated punishments like castration for rape. Subsequently he applied the principle of the Panopticon to poultry, devising the first battery farm.

Among his diverse proposals for legal and social reform was a design for a prison building he called the Panopticon. Although it was never built, the idea had an important influence upon several subsequent generations of thinkers. Twentieth-century French philosopher Michel Foucault argued that the Panopticon was paradigmatic of a whole range of 19th century 'disciplinary' institutions. It is said that the Mexican prison 'Lecumberri' was designed on the basis of this idea.

Having written a dissertation on punishment, in which he developed and systematized Baccaria's ideas, Benjamin was convinced that pain could be scientifically administered by experts. He devoted most of his time in dividing the scheme, and making meticulous plans which went so far as the governor's urinal. He hoped to be appointed the first governor of the Panopticon and was confident that it would give him £37,000. Like his brother, he had an unwavering belief in contraptions of all kinds. In 1791, Bentham send his plans to the English Prime Minister Pitt, but the panopticon, as earlier stated, never really materialized, forcing him to admit defeat 20 years later. A jail was built, but not on the design recommended by him. He was awarded compensation for his sincerity and effort.

The Benthamite idea of the panopticon has been severely criticized by Michel Foucault. Foucault saw the panopticon as the quintessential disciplinary apparatus of the bourgeois state, epitomizing a repressive nationality.

ACTIVITY

Read the *Ten Critical Essays* of Jeremy Bentham. Discuss his school of thought by analysing the book.

DID YOU KNOW?

The concept of the design of Panopticon is to allow a watchman to observe (-opticon) all (pan-) inmates of an institution without their being able to tell whether they are being watched or not.

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Check Your Progress

5. When was the model prison designed by Bentham?
6. Who has severely criticized the Benthamite idea of the panopticon?
7. What, according to Michel Foucault, was the panopticon paradigmatic of?

3.5 SUMMARY

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In this unit, you have learnt that:

- *Jeremy Bentham*, widely known as the founder of utilitarianism, can be seen as having played the multiple roles of a philosopher, a jurist, a social reformer and an activist.
- He is most popularly associated with the concept of utilitarianism, and the panopticon.
- He can be seen as one of the most influential utilitarians, and his ideas were brought to the fore through his works and that of his students. Here we have his secretary and collaborator on the utilitarian school of philosophy, James Mill; James Mill's son J. S. Mill; John Austin, legal philosopher; and several political leaders, including Robert Owen, a founder of modern socialism.
- Bentham is often seen in relation with the foundation of the University of London specifically University College of London (UCL)
- The period from the early 1770s to the mid 1780s can be seen as marking an important phase of development of Bentham's ideas. During this time, he concentrated on trying to comprehend the rational basis of law, in England as well as in and other countries.
- Even though leading an ascetic life himself, given that saints were idlers, he is to be seen as having regarded asceticism with contempt. He looked down upon spiritualism and claimed that spiritualism glorified unhappiness and distrusted pleasure.
- Utilitarianism, conceived as a school of thought dominated English political thinking from the middle of the 18th century to the middle of the 19th century. Francis Hutcheson, Hume, Helvetius, Priestly, William Paley and Beccaria were some of the early utilitarians. However, it was Bentham who is credited with systematically working to establish the theory and render it popular on the basis of his endless proposals for reform.
- James Mill was his closest friend. It is through Mill that Bentham met two of the greatest economist of the time - Malthus and David Ricardo- and learnt classical economics from them.
- Bentham lent a scientific colour to the pleasure – pain theory, and brought it in application in the context of the policies of the state, welfare measures, and the administrative, penal and legislative reforms.
- Bentham's *Principles of Legislation* highlights the principle of utility and explains the way this view of morality feeds into legislative practices. His principle of utility hails 'good' as that which aids the production of the greatest amount of pleasure and the minimum amount of pain, while 'evil' is conceived as that which produces the most pain without the pleasure.
- In Bentham's framework, pleasure and pain can be quantitatively and arithmetically calculated and measured, and a comparison can be drawn between the two qualities. In order to gauge pleasure and pain, he advocated the doctrine of felicific calculus.

- According to Bentham, the modern state is to be viewed as an ideal, and an aspiration which examines the technique of state building and the method that would promote modernization.
- He came up with ideas and devised geared to guarantee governmental protection of individual interest, ensuring that public happiness should be seen as the object of public policy.
- One of the most significant aspects of Bentham's political philosophy is located in the sphere of jurisprudence and reforms in criminal law and prison.

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3.6 KEY TERMS

- **Utilitarianism:** An ethical theory which states that the right course of action is the one that maximizes the overall 'good' consequences of the action; it thus promotes that the moral worth of an action is determined by its resulting outcome.
- **Principle of utility:** This regards 'good' as that which produces the greatest amount of pleasure and the minimum amount of pain, and 'evil' as that which produces the most pain without the pleasure.
- **Pleasure and pain theory:** Bentham pointed out that human beings are creatures of feeling and sensibility; since reason is only a handmaid of feeling or passion, all experiences are either pleasurable or painful and that action is good which increases pleasure and decreases pain, whereas, that action is bad which decreases pleasure and increases pain.

3.7 ANSWERS TO 'CHECK YOUR PROGRESS'

1. Bentham is most popularly associated with utilitarianism and the panopticon.
2. The University College of London (UCL) was inspired by Benthamite ideas.
3. Among some of the early utilitarians were Francis Hutcheson, Helvetius, and Priestley.
4. Bentham's principle of utility hails 'good' as that which aids the production of the greatest amount of pleasure and the minimum amount of pain, while 'evil' is conceived as that which produces the most pain without the pleasure.
5. The model prison was designed by Bentham in the 1790s.
6. Michel Foucault is credited with having severely criticized the Benthamite idea of the panopticon.
7. The panopticon, as Foucault tells us, was paradigmatic of a whole range of 'disciplinary' institutions.

3.8 QUESTIONS AND EXERCISES

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Short-Answer Questions

1. What is Jeremy Bentham best known for?
2. Write a short note on Bentham.
3. During which period did utilitarianism dominate English political thinking?
4. List some of Bentham's better known works?
5. Why is Jeremy Bentham considered the godfather of University College of London?
6. What was Bentham's view on liberty?

Long-Answer Questions

1. Pleasure and pain is the fundamental tenets of utilitarianism. Discuss.
2. Explain in your own words Bentham's contribution to political philosophy.
3. Critically evaluate Bentham's idea of the Panopticon.
4. Bentham was a great liberal thinker. Justify.
5. The starting point of Bentham's political theory was his strong belief that there was need for extensive reforms in British society and particularly in English law and judicial procedure. Discuss.

3.9 FURTHER READING

- Parekh, Bhikhu (ed.), 1993. *Jeremy Bentham: Critical Assessments*. London: Routledge. 1993.
- Stark, Warner, 2004. *Jeremy Bentham's Economic Writings: Critical Edition*. London: Francis and Taylor.
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UNIT 4 JOHN STUART MILL

Structure

- 4.0 Introduction
- 4.1 Unit Objectives
- 4.2 John Stuart Mill
 - 4.2.1 Equal Rights for Women
 - 4.2.2 Individual Liberty
 - 4.2.3 Representative Government
- 4.3 Summary
- 4.4 Key Terms
- 4.5 Answers to 'Check Your Progress'
- 4.6 Questions and Exercises
- 4.7 Further Reading

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4.0 INTRODUCTION

John Stuart Mill was a British philosopher, political economist and a civil servant who actively contributed to social theory, political economy and political theory. He is considered the most influential English philosopher of the nineteenth century. 'Liberty', as conceived by Mill, justified the freedom of the individual as opposed to boundless state control. He advocated utilitarianism, and wished to offer a solution to issues related to probabilistic or inductive reasoning, such as the tendency of people to support information that conforms to their beliefs (also called confirmation bias). Therefore, he was of the opinion that falsification is a key component in science. He was a philosopher who contributed to liberalism and also a Member of Parliament. His work *On Liberty* is till date considered one of the classic texts on liberal philosophy.

4.1 UNIT OBJECTIVES

After going through this unit, you will be able to:

- Discuss the life and times of John Stuart Mill
- Describe J.S. Mill's views on the rights for women
- Explain Mill's idea of individual liberty
- Describe Mill's view on representative government

4.2 JOHN STUART MILL

John Stuart Mill, a great essayist, economist, reformer and one of the greatest political thinkers of modern times was born in London on 20th May, 1806. His father James Mill was also a political philosopher and contemporary of Jeremy Bentham. Mill had eight younger siblings. James Mill had come from Scotland to London with the desire to become a writer. He tried journalism and then concentrated on writing *History of British India* (1818) which had a great influence on young John Mill. India influenced the life of John Mill which subsequently determined his career. After the publication of *History of British India*, James Mill was appointed

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as an assistant examiner at the East India House. It was an important event in his life, as this solved his financial problem, enabling him to devote his time and attention to areas of his prime interest: philosophical and political problems. He could also conceive of a liberal profession for his eldest son, John Stuart Mill. In the beginning, he thought of a career in law for him but when another vacancy arose for another assistant examiner in 1823, John Stuart got the post and served the British government till his retirement. J. S. Mill was a British philosopher and civil servant. An influential contributor to social theory, political theory, and political economy, his conception of liberty justified the freedom of the individual in opposition to unlimited state control. He was a proponent of utilitarianism, an ethical theory developed by Jeremy Bentham, although his conception of it was very different from Bentham's. Hoping to remedy the problems found in an inductive approach to science, such as confirmation bias, he clearly set forth the premises of falsification as the key component in the scientific method. Mill was also a member of the Parliament and an important figure in liberal political philosophy.

Mill became a strong advocate of women's rights and for social reforms such as labour unions and farm cooperatives. In *Considerations on Representative Government*, J.S. Mill called for various reforms of Parliament and voting, especially proportional representation, the Single Transferable Vote, and the extension of suffrage. He was godfather to Bertrand Russell. He died in 1873 at the age of 67.

By the end of his life, he was the acknowledged philosopher-leader of English liberalism and in Lord Morley's words, one of the greatest teachers of his age. In his thinking, he was greatly influenced by the dialogues and dialectics of Plato and the cross questioning of Socrates. He had imbibed Bentham's principle from his father and from Bentham himself, and he found the principle of utility the key stone of his beliefs. He outlined in his own words 'I now had a creed, a doctrine, a philosophy, a religion, the inculcation and diffusion of which would be made the principal outward purpose of my life.'

Harriet Taylor, a wife of a pharmacist and mother of three, supported social reforms and equal rights for women. Her husband did not support her in her endeavours and provided little intellectual stimulation for her. In 1830, Harriet Taylor met John Stuart Mill for the first time at a dinner party in her home. They quickly recognized their mutual interests and developed affection for each other. She started helping Mill in editing and writing his articles and books.

After he met Harriet, Mill was able to create an impression on the intellectual people of England. In 1831, he wrote 'The Spirit of the Age,' an essay that used history to show how Britain was going through a transition from feudalism to a new age. To get rid of Britain's old feudal aristocracy, Mill wanted to foster an alliance of the middle and working classes. After his father died in 1836, Mill experienced a personal liberation as his father was a dominating man. At 30, he took over his father's job at India House. Mill published books on logic and economics that made him a more important philosopher than his father. In his economics book, Mill criticized the relentless pursuit of money. He argued that people should give importance to wealth to achieve higher goal of individual self-development which he called 'individuality'. Mill wanted more participation of people as business owners in a free-market economy. For this, Mill suggested that people should pool in their money to buy out private businesses and operate them as cooperative enterprises and wages should be paid wages from the profits of the enterprises. Mill was also against Government central

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planning, which supported by most European socialists. His vision was every man and woman can be a business owner. Mill saw this as a way to help them achieve self-development and happiness. Today, historians often classify Mill as a Utopian Socialist. Mill could finally marry Harriet Taylor in 1851 after the death of her husband. Both of them, however, soon suffered from tuberculosis. Believing he would die, Mill spent more time writing his autobiography. But Harriet died in 1858 when they were in France, as her tuberculosis was more severe was more severe. Mill buried her there and erected a monument with a long inscription, praising her.

Her influence on his work appeared to have been smaller than his thought. She humanized his political economy, and suggested the chapter on *The Probable Futurity of the Laboring Classes*. She helped him in writing *On Liberty*, published in 1859, the year after her death, and she certainly inspired the book on *The Subjection of Women*. The other great influence on the mind of Mill proceeded from the discussions and deliberations of the Utilitarian Society and Speculative Debating Society founded by him. The Political Economy Club was also equally important which functioned under his fostering care. It was here that he began his public speaking. It was in these societies and clubs that topics pertaining to utility, logic, political economy, and psychology were discussed with a view to have clear knowledge about these subjects. He was a prolific writer and he wrote on different branches of knowledge with equal mastery. His famous works are:

- *System of Logic* (1843)
- *Principles of Political Economy* (1848)
- *Essay on Some Unsettled Questions in Political Economy*
- *On Liberty* (1859)
- *Considerations on Representative Government* (1861)
- *Utilitarianism* (1865)
- *Examination of Sir William Hamilton's Philosophy* (1863)
- *Subjection of Women* (1869).

An intellectual prodigy, John Stuart who started his education at the tender age of three enriched the philosophical treasures by his clear understanding and deep insight into things. He had a reverence for his intellectual age but with a difference projecting his own personality and ideas in the prevailing theories reduced into writings by different pains. He died in 1873 in Evignon, France.

4.2.1 Equal Rights for Women

J.S. Mill applied the principles of liberalism to issues of political and sexual equality for women. He was as much interested in social reforms as in political speculations. His sense of justice was stirred early in his life by the social discrimination meted out to women. In the mid-Victorian period, the condition of the women in the British society was appalling. Mill argued that women's submissive nature was the result of centuries of subjugation and lack of opportunities. This inequality he regarded as highly unjust. He regarded birth as no basis of excluding women from the rights that they deserve. According to Mill, no person is deliberately created by nature for a particular profession. If women, however, differ from men on the grounds of sex, this distinction should not be made a basis of distinction everywhere. He was eager to emancipate women and was the first to plead their cause in the parliament. He believed

Check Your Progress

1. Who was James Stuart Mill and where was he born?
2. When did J.S. Mill start his educational career?
3. What was so exceptional about J.S. Mill's childhood?

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that if women were given equal opportunities to men, the result would be beneficial for women, since freedom alone gives happiness and is valuable to the community in general. He believed that the society would benefit from the contributions made by the mental capacities and characteristics of women. Higher education for women, would increased opportunities for them and will help open their talents, and would exteable to them the franchise and eligibility to public office.

For Mill, improving the position of women in society by providing them with suffrage, education and employment oppertunities was a stepping stone to progress and civility. Mill considered the improvement in the position of women as an issue which concerned the whole of society. In this regard, his work *The Subjection of Women* made a strong claim for women's right to vote and women's right to equal opportunities in education and employment. The two themes that is prevalent throughout the writings of Mill is Liberty and self-determination. Mill believed that freedom was the most spacious and crucial issue for a human's well being. In this context, Mill asserted that women were the subjugated sex who were not given access to their own potential and were subjected to their unquestioned prejudices and biases in society. Mill's main concern was equality as a legal right between the sexes. He referred to women as both the subject and the enslaved class for he believed that their position was worse than that of slaves. According to Mill, unlike slaves, women were in a 'chronic state of bribery and intimidation combined.' He pointed out that the capacity of women was spent in seeking happiness not in their own lives, but exclusively in winning the favour and affection of the other sex, which they gained at the cost of their independence. A woman was not free within her marriage, nor was she free to remain unmarried. He explained how unmarried women in the 19th century were deprived of avenues for living a good and independent life. He deplored the lack of freedom of choice for women and contended that equality should be the ordering principle of societal and personal relationships. He pointed out that opposition to sexual equality was not based on any reason. Mill asserted that to dismiss equality of sexes as a mere theoretical opposition did not lend credibility to the argument that women were weaker and hence subordinate. He agreed that the majority of the opinions favoured inequality but this he contended went against reason.

According to Mill, the way men dominate women was entirely inappropriate and altogether based on force. Women also accepted it voluntarily without any complaint and became consenting parties to their subordination. Men, on their part, expected not only obedience but also affection from women. This was ensured through education, training and the socialization process. Women from childhood were taught to be submissive, yielding and accommodating, rather than being independent with self-will and self-control. They were taught to live for others, their husband and children. Selfless devotion was considered to be the best feminine trait, the glory of womanhood. In the case of a pre-contractual social arrangement, birth determines ones position and privileges, while the modern society was characterized by the principle of equality. Individuals enjoyed greater freedom of choice to pursue their own life and improve their faculties. However, women continued to be denied of this opportunity, for they were not free to do what they chose to. It seemed paradoxical that the modern world accepted the general social practice of women's equality, but not gender equality. Mill emphatically said that denying women an equal position only demeaned a man. Like Mary Wollstonecraft, he believed that women could earn their liberation with the support of men. Both Mill and Wollstonecraft presented a reasonable critic of male domination within marriage. However, Mill extended it by pleading for a

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relationship based on mutual friendship and respect. He subscribed to the view that by and large the human nature and character were decided by the circumstances in which individuals were found, and unless and until women were granted freedom, they could not express themselves. The process itself could take longer, but that could not be the basis for denying women the freedom and opportunities for their complete development. He believed that women were as bright and gifted as men, and once granted the same 'eagerness for fame', women would achieve the same success. A judgment regarding the capacities and talent in women could be made only after generations of women benefited from equal opportunities through education and employment. He rejected the idea that it was natural for a woman to be a mother and wife, and felt that it was the women who should be able to decide whether to marry and manage a house or to pursue a career. He lamented that it was society, however, that decided marriage to be the ultimate aim of women. He articulated and defended the right of women to be considered as a free rational being capable of choosing the life they would like for themselves, rather than being dictated by what the society thought they should be or do. He was of the opinion that women, even if granted freedom and opportunities, would not fail to perform their traditional functions. When he was a member of the British Parliament, he supported a married women's property bill.

According to Mill, the position of the wife under the common law of Britain was worse than that of slaves in the laws of many countries; by the Roman law, for example, a slave might have his peculiar status, which, to a certain extent, the law guaranteed him his exclusive use. He further pointed out that marriage did not give women the dignity and equal status that she ought to get. Once married, she was totally under the control of her husband. She was denied by the law the right to her children and property. Hence, they must have the rights to property, inheritance and custody. He pleaded for the equality of both sexes before the law, for that was crucial to ensuring a just arrangement. This he felt would be beneficial for all. He was of the opinion that a marriage contract based on the equality of married persons before the law was not only a sufficient but also a necessary condition for full and just equality between the sexes. For Mill, equality was a genuine moral sentiment that ought to govern all relationships including the marital one. He also acknowledged the family as the real school of learning the virtues of freedom and liberation, yet it was there that sentiments of injustice, inequality and despotism were taught. He desired a transformation of the family to suit the temperament and spirit of the modern age, namely the spirit of equality and justice, and in the process to bring about a moral regeneration of humankind. The relationship between a man and a woman should be based on mutual respect and mutual love, and giving due regard to one another's rights. This would make women self-reliant and self-sufficient. Mill said, unless the equal and just worth of human beings was recognized, they could not enjoy equal rights and could not realize their full potential as well. A life of rational freedom devoted to the release of their full creative potential was as much a requirement for a man as for a woman. In spite of his insistence on the need to restructure family relationships based on equity and fairness, he continued to pursue the family as one where a man earns for the family and a woman takes care of domestic affairs. He was convinced that if suitable domestic help was made possible, then a woman, and in particular the talented and exceptional ones, could take up a profession or a vocation. Like Wollstonecraft and Fuller, he argued that 'the dignity of a woman was guaranteed if she had the power of earning her own living'. A married woman would have full

right in her property and earning. She would have the right to enter a profession or take up a career. According to him, women were fully capable of becoming business partners, philosophers, politicians and scientists.

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Mill said both the law and the custom prohibited women from seeking any means of livelihood, other than being a mother and a wife. Besides equal opportunity for women in education and property, he also pleaded for political rights to vote and to participate in the government as administrators and rulers. In his book, *The Representative Government*, he commented that the difference of sex could not be the basis of political rights. He desired that the subjection of women be ended not only by the law, but also by education, opinion, habits and finally a change in the family life itself. In his book, *Principles*, he observed the need to open industrial occupations for both sexes.

Mill saw women's issues as important and began to write in favour of greater rights for women. In his work, *The Subjection of Women*, which was published in 1869, he talks about the role of women in marriage and how he felt that it needed to be changed. In that work, Mill comments on three major facets of women's lives that he felt are hindering them: society and gender construction, education and marriage. Mill is also famous for being one of the earliest and strongest supporters of greater rights for women. He felt that the 'oppression' of women was one of the few remaining relics from ancient times, a set of prejudices that severely impeded the progress of humanity. Mill's ideas were opposed by Ernest Belfort Bax in his treatise, *The Legal Subjugation of Men*.

After *On Liberty* was published in 1859 Mill turned his attention towards reforms in the political sphere. It could be stated that many of his political opinions were contradictory in nature. Although Mill was a strong supporter of giving voting rights to all, especially women, he advocated a contentious voting system. Rather than universal adult franchise, Mill wanted a voting system where people with an education had more voting power than those who did not. Moreover, Mill was not a supporter of the public schooling system believing that such a system would enforce social conformity. At the same time he supported government subsidies to parents who could not afford schooling for their children. Mill was also an opponent of slavery, something that Britain had abolished in 1833, and was sympathetic to the American North in the American Civil War. When the American Civil War was raging, Mill wrote that if the American South won then this 'would be a victory of the powers of evil, which would give courage to the enemies of progress'.

Mill contested and won a seat in the British Parliament in 1865 on a Liberal Party ticket. He used his Parliamentary position as a platform to give voice to his opinions on social and political reform, especially on issues relating to women. As a parliamentarian Mill helped found the first women's suffrage society in Britain in 1867. Many of Mill's speeches in parliament on issues were many years ahead of his time. He had become a parliamentarian on the condition that he would vote according to his conscience, unfortunately, he was defeated for re-election in 1868 after serving only one term.

The same year that Mill left the British parliament, he published perhaps his most famous work - *The Subjection of Women*. The pamphlet in detail delineates Mill's argument for equality for men and women in society. In it Mill stressed that both women and men should have the same rights to develop their individuality. This entailed both men and women having equal rights to their own property, earn a college

education, choose any occupation, and participate fully in politics. Mill's position on the rights of women Mill was sharply different from his father. Mill Sr. believed that women should not have a right to vote since their husbands represented them when they voted. J.S. Mill on the other hand stated that a wife's interests are often different from those of her husband, and thus she should have an equal right to vote.

The Subjection of Women and many other works that preceded it galvanized society and played a huge part in breaking patriarchal mindsets and forcing the male dominated society to finally give in to the demand of women's suffrage. This finally occurred in 1918, long after Mill had died.

4.2.2 Individual Liberty

Mill's *Essay on Liberty* is one of the finest discourses on the definition of freedom in general and freedom of thought and expression in particular. He was an ardent champion of liberty. According to him, free discussion alone can nourish fruitful ideas. He pointed out that not even the whole of humankind can coerce even a single dissident into accepting the majority's view point as nobody knows that majority views may be incorrect. He said the truth will certainly come out of free discussions, but if somebody's views are suppressed, then not only the truth will never come out, but also that particular individual's development will be retarded. There cannot be any self-realization or self-development of individuals without liberty. He passionately advocated the right of the individual to freedom. In its negative sense, it meant that the society has no right to coerce an unwilling individual, except for self-defence. In his words, 'It is being left to one self: all restraints qua restraints are an evil.' In its positive sense, it meant the grant of freedom for the pursuit of the individual's creative impulses and energies and for self-development. If there is a clash between the opinion of the individual and that of the community, it is the individual who is the ultimate judge, unless the community could convince without resorting to threat and coercion. Mill's ideas on liberty had a direct relationship with his theories of utility or happiness. He regarded liberty as a necessary means for the development of individuality which will become the ultimate source of happiness. There was only one road for him to take and that was the road of higher utility. He has done a distinction between higher and lower utility which may better be understood, respectively, as conducting to the good of the society and the good of individuals. He was keen to do good for the society and for individuals as well. Happiness, for Mill, is the ability of individuals to discover their innate powers and develop these while exercising their human abilities of autonomous thought and action. For Mill, happiness means liberty and individuality. Liberty is regarded as a fundamental prerequisite for leading a good, worthy and dignified life. J. Gray says, 'The contention of the *Essay on Liberty* is that happiness so conceived is best achieved in a free society governed by the principle of liberty.'

Mill insisted on the liberty of thought and expression as well as the liberty of conduct. He defended the liberty of thought and expression on two important grounds. In the first place, he argued that it is useful to the society. He asserted that rational knowledge is the basis of social welfare, and the only way of confirming the correctness of the knowledge is to submit all ideas, old and new, to the test of free discussion and debate. In the second place, he advocated the liberty of thought and expression on the grounds of human dignity. On the liberty of conduct, he took another line of argument. He drew a distinction between two types of actions of a man: 'self-regarding actions' and 'other-regarding actions'. He advocated complete freedom of conduct for the individual in all matters not affecting the community, i.e. in the case of 'self-regarding

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actions'. However, in the case of 'other-regarding actions', i.e. in matters that do affect the community, Mill conceded the right of the community to coerce the individual if his conduct is prejudicial to its welfare. In this way, he defended complete freedom of conduct for the individual unless it adversely affects the community. But the state could also interfere in the self-regarding action if it is thought to be very injurious for an individual. He wrote in his *Essay on Liberty*, 'the only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others.'

Mill defended the right of individuality, which means the right of choice. He explained that as far as self-regarding actions are concerned, coercion would be detrimental to self-development. First, the evils of coercion far outweighed the good achieved. Second, individuals are so diverse in the needs and capacities for happiness that coercion would be futile. Since individuals are the best judge of their own interest, they possess the information and the incentives to achieve them. Third, since diversity is in itself good, other things being equal, it should be encouraged. Finally, freedom is the most important requirement in the life of a rational person. He contended that positive liberty, i.e. autonomy and self-mastery, is inherently desirable and it is possible if individuals are allowed to develop their own talents and invent their own lifestyles, i.e. a great deal of negative liberty. Hence, he made a strong case for negative liberty, and the liberal state and liberal society are essential prerequisites.

Mill had no doubt of the utility of absolute liberty of thought and expression. He does not recognize any limitation of any kind whatsoever on the right of free discussion of individuals. According to him, no society in which these liberties are not on the whole respected is free, whatever be its form of government. He was not only concerned with the advocacy of thought and discussion, but also with the development of the individuality of men and women in the community. The freedom of thought and discussion is not the only theme of his liberty. He wanted to promote the development of individual men and women because he was convinced that all wise and noble things come and must come from individuals. In his opinion, there can be no self-development without liberty. It is this connection between liberty and self-development which interested him even though he went on to argue that liberty is also necessary for the happiness of society.

Mill justified restricted interference because of his inherent distrust of authority, and especially of democratically controlled authority. His contention was that individuals in democracy are swamped in general. Democracy prevents them from developing their individuality. From the arguments of Mill and his definitions of liberty, it became very clear that he was a reluctant democrat and all the more a prophet of empty liberty. Mill stated that 'liberty consists in what one desires. You would be justified in preventing a man crossing a bridge that you know to be unsafe. Liberty consists in doing what one desires, and he does not desire to fall into the river.' He had gone far in admitting the extreme idealist contention that one can be forced to be free. C.L. Wayper in his book *Political Thought* elaborates that Bentham must have gyrated in his grave much faster than ever he did from room to room at the thought that his favourite follower could ever contemplate such a non-utilitarian position. Another writer Davidson commenting on Mill's freedom of action writes that his freedom of action or conduct is admirable and his working-out of the theme is skillfully done. But there are certain points that lead themselves to criticism. First, in his argument he identified individual energy with 'genius' or originality. However, he forgot that this energy may be mere eccentricity rather than encouragement. Second, he did not

sufficiently recognize that whereas men's desires and impulses are indispensable to the development of their nature, they are not a sure guide to the proper outlet for their activities.

Mill regarded the liberty of conscience, liberty to express and publish one's opinion, liberty to live as one pleases and the freedom of association essential for a meaningful life and for the pursuit of one's own good. His defence of the freedom of thought and expression was one of the most powerful and eloquent expositions in the western intellectual tradition. In his words, 'If all humankind minus one were of one opinion, humankind would be no more justified in silencing that one person, then he, if he had the power, would be justified in silencing humankind.'

The early liberals defended liberty for the sake of an efficient government, whereas for Mill, liberty is good in itself, for it helps in the development of a humane, civilized, and a moral person. It is beneficial both to the society that permits them and to the individual who enjoys that. He accepted the observation of Tocqueville that the modern industrial societies were becoming more egalitarian and socially conformist, thereby threatening individuality and creativity. He was fearful, 'Lest the inevitable growth of social equality and of the government of public opinion should impose on humankind an oppressive yoke of uniformity in opinion and practice.'

According to Mill, the singular threat to an individual's liberty was from the tyranny of the majority in their quest for extreme egalitarianism and social conformity. This made him realize the inadequacy of early liberalism. He pointed out that in the area of thought and discussion the active and inquiring mind had become morally timid, for it concealed the true opinion when discussed in public. He further said, 'Our merely social intolerance kills no one, roots out no public, but induces men to disguise them, or to an extent from any active effort for their diffusion.'

For Mill, individuality means the power or capacity for critical inquiry and responsible thought. It meant self-development and the expression of free will. He stressed absolute liberty of conscience, belief and expression for they were crucial to human progress. He offered two arguments for the liberty of expression in the liberty of truth: (i) the dissenting opinion could be true and its suppression would rob humankind of useful knowledge; (ii) even if the opinion was false, it would strengthen the correct view by challenging it.

Mill applied the principle of liberty to mature individuals and excluded children, invalids, the mentally handicapped and barbarian societies in which the race itself was considered 'nonage'. Liberty could be withheld where individuals were not educated. He considered liberty as belonging to higher and advanced civilizations, and prescribed despotism or paternalism with severe restrictions in the case of lower ones. He also cautioned against sacrifice or infringement of liberty for the sake of making a state strong.

Isaiah Berlin is of the opinion that it is generally believed that Mill's *Essay on Liberty* was essentially written with the purpose of defending the idea of negative liberty. It is true that Mill advanced a notion of positive liberty but he valued choice and individuality as ends in themselves, and not because they promoted general happiness. He did not propose a single overarching principle or values which normally accompanied theories of positive liberty. The theme on liberty was not the absence of restraints but the denial of individual autonomy by the coercion exercised by moral majority and/or an intrusive public opinion. It is criticized that Mill's linkage between individuality and liberty made him conclude that only a minority were in a position to

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enjoy freedom. The majority of the people remained enslaved in customs, and hence unfree. However, in spite of his elitism, he remained an uncompromising liberal for he ruled out paternalism, the idea that the law and society could intervene in order to do good to the individual. He explicitly ruled out interference in self-regarding actions. Mill stated that the right to liberty could be sacrificed only for some 'other right', a point that has been reiterated by Rawls. However, he tried to analyse and establish a relationship between freedom and responsibility. It is also argued that Mill failed to specify the proper limits of legislation, and was unclear when it came to actual cases. For instance, he supported compulsory education, regulations of business and industry in the interest of public welfare and good, but regarded prohibition as an intrusion on liberty. Barker has criticized Mill as the 'prophet of an empty liberty and an abstract individual.' This observation flowed from the interpretation that the absolutist statements on liberty like the rights of one individual against the rest were not substantiated when one accessed Mill's writings in their totality.

For Mill, the sole end for which humankind is allowed, individually or collectively, to interfere with the liberty of action of any of their number is self-protection. That the only purpose for which power can be rightfully 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 a sufficient warrant. He cannot rightfully be compelled to do or forbear because it will make him happier, because, in the opinion of others, to do so would be wise, or even right. The only part of the conduct of anyone, for which they are amenable to the society, is that which concerns others. In the part which merely concerns them, their independence is absolute. Over himself, and over his own body and mind, the individual is sovereign.

Controversially by today's standards, in *On Liberty*, Mill also argued that in 'backward' societies a despotic government is tolerable as long as the despot has the best interests of the people at heart because of the barriers to spontaneous progress. Mill's principles in *On Liberty* seem to be clear. However, there are certain complications. For example, Mill's definition of 'harm' includes both acts of omission as well as acts of commission. Thus, for Mill, not saving a drowning child or not paying taxes are harmful acts of omission that need to be regulated. On the other hand, it does not count as harming someone if—without force or fraud—the affected individual consents to assume the risk. Therefore, it is acceptable according to Mill's standards to offer unsafe employment to others provided that this is done without fraud and deceit. While reading Mill's arguments in *On Liberty* it is important to keep in mind that Mill was a product of his time and also that his arguments are based on the principle of utility and not on appeals to natural rights.

Mill in *On Liberty* also delineates an impassioned defence of free speech. For Mill, free speech is a necessary condition for intellectual and social progress. According to Mill, 'We can never be sure that a silenced opinion does not contain some element of the truth'. He also suggests that the airing of false or uninformed opinions is productive for two reasons. Firstly, he states that an open and frank exchange of ideas will result in people abandoning incorrect beliefs. Secondly, Mill argues that debate forces people to examine and affirm their own opinions and thus prevents these beliefs from declining into mere dogma. In Mill's view, it is simply not good enough if one believes in something that happens to be true; one must also know why the belief in question is true.

Mill believed that people should have the right to have a say in the government's decisions. For Mill then *Social liberty* meant limiting the power of rulers so that they may not be able to use power based on whims and thereby bring harm to society. Mill wrote that social liberty is, 'the nature and limits of the power which can be legitimately exercised by society over the individual'. Mill believed that to bring about this social liberty one needed the recognition of certain immunities, called political liberties or rights and also by establishing a system which had 'constitutional checks'.

The limiting of a government's power is not enough for Mill. Mill believed that a society can and does execute its own mandates, and if it issues wrong mandates instead of right, or any mandates at all in things with which it ought not to meddle, it results in a social tyranny more fearsome than many kinds of political oppression.

Mill co-wrote *On Liberty* with Harriet Taylor; the work was published a year after Harriet's death and is dedicated to her. *On Liberty* begins with Mill's assertion that democratic nations like the United States would replace absolute monarchies of the past. However, Mill goes on to examine a new problem that would arise with people being control of their governments. Deeply influenced by the works of Alexis de Tocqueville, especially his *Democracy in America*, Mill fears that will of the people in democracies would result in the 'will of the majority'. Mill believed that a tyranny of the majority is a huge threat to individual liberty and self-development if the majority started acting to oppress minority viewpoints and lifestyles. To overcome this threat, Mill proposed what philosophers today call 'harm principle'. Mill's harm principle stated that, 'the only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others.' This principle of Mill negates the tyranny of the majority and thus would block democratic majorities from interfering with the liberty of any adult unless that person threatened harm to others.

In *On Liberty* Mill identified various types of liberties. They are enumerated below:

- Liberty of conscience
- Liberty of thought and feeling
- Absolute freedom of opinion
- Liberty of expressing and publishing opinions (freedom of speech and press)
- Freedom to unite, for any purpose (freedom of assembly)
- Liberty of making the plan of our life to suit our own character, of doing what we like, even if this appeared to be foolish, perverse, or wrong

Mill stressed that a society that does not have such liberties is not really free. According to Mill, 'The only freedom which deserves the name is that of pursuing our own good in our own way, so long as we do not attempt to deprive others of theirs, or impede their efforts to obtain it.' Mill argued that truth is found through the 'collision of adverse opinions'. He further wrote, 'He who knows only his side of the case, knows little of that.' When people listen only to one viewpoint, he explained, 'errors harden into prejudices, and truth itself ceases to have the effect of truth, by being exaggerated into falsehood'. At the same time Mill believed that there needed to be limits on individual liberty so as to prevent harm to others. To explain his point Mill provided the example of an 'excited mob' outside the house of a grain dealer who are shouting that the grain dealer is starving the poor. Mill believed that in such situations the police are justified in arresting those who might incite violence among the crowd.

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Mill was also against the censoring of newspaper articles by the government. In Mill's view, 'an atmosphere of freedom' was essential to make sure that all citizens of a nation had the opportunity to develop their own individuality. Condemning the conformist nature of British society, Mill supported original thinkers and non-conformists who experimented with different lifestyles, thus preventing human life from becoming a 'stagnant pool'. Mill declared that the purpose of government was only to provide the necessary conditions so that people could achieve the higher objective of self-development. He cites the example of the prohibition of gambling and also the harassment of Mormons to prove that the government is wrong in stamping out certain lifestyles and behavior. On the other hand in *On Liberty* Mill also argued for not permitting people from getting married if they could not afford to have children. He declared, 'To have a child without a fair prospect of being able not only to provide food for their body, but also to nurture their mind is a moral crime both against the unfortunate offspring and against the society.' From the moment it was published *On Liberty* was criticized from all quarters. Some said that the work promoted anarchy and godlessness, other's critiqued Mill's notion of 'harm' and questioned his assumption that people actually wanted to pursue self-development. Mill himself stated that *On Liberty* was 'likely to survive longer than anything else that I have written'. Mill's prophecy proved to be accurate in *On Liberty* which remains one of his most popular works.

4.2.3 Representative Government

While in his *Essays on Liberty*, Mill's main concern was his passion for freedom of thought and expression, in the treatise *Representative Government*, Mill's concern is institutional reforms in the government so as to make it more representative and responsible. In *Representative Government* Mill asserts that progress requires representative democracy as only representative democracy can permit the full development of the faculties of its citizens. For Mill representative democracy promotes virtue, intelligence and excellence. He strongly believed that interactions between individuals in a democracy ensure that only the best and the wisest leaders emerge. Representative Democracy for Mill encourages free discussion which is necessary for the emergence of the truth. According to Mill, representative democracy should be judged on the basis of how far it 'promotes good management of the affairs of the society by means of the existing faculties, moral intellectual and activity of its various members and by improving those faculties'. Unlike Bentham, Mill has assigned some positive reaction of the state. He wants the state to have a positive role in the sphere of education, factory law, economic life, etc. In order to perform its duties well and exercise its power within the limits, every state must have a constitution. Of course, in those countries which have no written constitution, the conventions or customs prescribe the limits of the powers of the government. However, Mill argued there will always be a single repository of ultimate power, whether by a constitutional prescription or by an unwritten custom.

According to Andrew Hacker, Mill tried to reconcile the principle of political equality with individual freedom. Mill asserted that all citizens regardless of their status were equal and that only popular sovereignty could give legitimacy to the government. Democracy was good because it made people happier and better. Mill had identified several conditions for the representative government. First, such a government could only function with citizens who were of an 'active self-acting character'. They must be willing to accept it. The passive citizens in backward

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civilizations would hardly be able to run a representative democracy. Second, they must be willing and able to do what is necessary to keep it functional. Third, the citizens must be willing and able to do what it requires from them to enable it to fulfil its purpose. Mill was an advocate for liberal democracy where the powers of legally elected majorities were limited by the protection of individual rights against majorities. Mill pleaded for balancing the numerical majority in a democracy by adjusting franchise. For Mill, it was only through political participation that a citizen's intellectual qualities of reason and judgment are developed. Therefore, people had to be free to be able to participate in the government of their country, the management of their work place and to act as bulwarks against the autocracy of modern-day bureaucracy. This feeling of belonging to a community could only come about if all were granted the right to vote. At the same time Mill worried about the consequences that granting universal adult franchise would entail, namely the trampling of wise and educated minorities by the mass of people. He prescribed compulsory elementary education for that would make citizens wise, competent and independent judges. Mill always emphasized that representative democracy was only possible in a state that was small and homogeneous. Mill also advocated for open ballot for voting. According to Mill, voting was a public trust which 'should be performed under the eye and the criticism of the public.'

Mill also prescribed some conditions for voting. He favoured registration tests to assess performances, universal education for all children and plurality of votes to the better educated in order to balance the lack of voting rights to the uneducated. His idea of representative democracy also entailed the disqualification of three other categories of dependence:

- Those who were unable to pay local taxes
- Those who were dependent on public welfare, would be excluded for five years from the last day of receipt
- Those who were legal bankrupts and moral deviants like habitual drunkards.

Mill, however, wanted equal voting rights for people irrespective of their gender or skin colour.

Mill also gave his views on the best form of government. According to Mill, the best form of government is the representative government. A despotic government however benevolent can never be a good government as its subjects suffer in their intellectual, moral and political capacities. There is no such thing as a good despotism. An ideal representative government must safeguard the aggregate interest of the society as a whole. The representative government must be supported by any active and critical body of citizens. The government should not be the representative of a minority but of the entire community. The representative body should represent all classes. According to Mill, the first element of a good government was the virtue and intelligence of the human beings composing the community, and it is the foremost duty of the state to foster these elements in the members of the community. He argues that the sovereign power of the state should reside in the organ of the government which is representative of the people. He was in favour of a representative government, but it does not mean that the representative government could be uniformly applied to all people. This government should be adopted by people who are sufficiently advanced and trained in self-government.

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According to J.S. Mill, people may be unwilling or unable to fulfil the duties which a particular form of government requires from them. Rude people, though in some degree alive to the benefits of a civilized society, may be unable to practise the forbearance which it demands: their passions may be too violent, or their personal pride too exacting, to forego private conflicts and leave to the law the avenging of their real or supposed wrongs. In such a case, a civilized government, to be really advantageous to them, requires to be despotic to a considerable degree: to be one over which they do not themselves exercise control, and which imposes a great amount of forcible restraint upon their actions. Again, people who do not cooperate actively with the law and the public authorities in the repression of evil doers must be considered unfit for more than limited and qualified freedom; who are more disposed to shelter a criminal than to apprehend; who perjure themselves to screen those who has robbed them, rather than taking trouble or exposing themselves to vindictiveness by showing evidence against them; and who revolt an execution but are not shocked at an assassination, believe that the public authorities should be armed with much sterner powers of repression as the first indispensable requisites of civilized life have nothing else to rest on. These deplorable states of feeling in any person is when that person has experienced a savage life which is a consequence of a previous bad government that has taught them to regard the law to have been made for other ends than for their good and its administrators to be their worse enemies than those who openly violate it. However, little blame may be given to those in whom these habits have developed and these habits may be ultimately conquerable by a better government. People disposed to such habits cannot be governed as people whose sympathies are on the side of the law and are willing to give active assistance in its enforcement. Again, representative institutions are of little value and may be an instrument of tyranny or intrigue, when general electors are not sufficiently interested in their own government to give their vote or if they vote at all, they do not bestow their suffrages on public grounds but sell them for money or vote as told by others who have control over them. Popular election thus practiced is an additional wheel in its machinery. Besides these moral hindrances, mechanical difficulties are an impediment to government. In the ancient world, though there might be, and often were, great individuals or local independence, there could be nothing like a regulated popular government because physical conditions for the formation and propagation of a public opinion did not exist. It is a quality in which different nations, and different stages of civilization, substantially differ from one another. The capability of any individual of fulfilling the conditions of a given form of government cannot be pronounced by any sweeping rule. Knowledge of particular people, and general practical judgment and sagacity, must be the guides. There is also another consideration not to lose sight of. People may be unprepared for good institutions, but to kindle a desire for them is a necessary part of the preparation. To recommend and advocate a particular institution or form of government, and set its advantages in the strongest light, is one of the modes, often the only mode within the reach of educating the mind of the nation not only for accepting or claiming, but also for running the institution.

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part of the preparation. To recommend and advocate a particular institution or form of government, and set its advantages in the strongest light, is one of the modes, often the only mode within the reach of educating the mind of the nation not only for accepting or claiming, but also for running the institution.

This mode of stating the problem gives less help to its investigation and does not even bring the whole question into view as the proper functions of a government are not fixed and it varies from state to state in a society which is much more extensive in backward states than in advanced ones. The character of a government or the set of political institutions cannot be estimated sufficiently.

A government is said to preserve its orders if it succeeds in getting itself obeyed. There are different degrees of obedience and every degree is not commendable. Only an unmitigated despotism demands that the individual citizen shall obey unconditionally every mandate of persons in authority. Orders, thus understood, express, without any doubt, an indispensable attribute of the government. Those who are unable to make their ordinances obeyed cannot be said to be governing. Although a necessary condition, this is not the objective of the government. That it should make itself obeyed is a requisite, in order that it may accomplish some other purpose.

The first element of a good government, therefore, being the virtue and intelligence of the human beings composing the community. The most important point of excellence which any form of government can possess is to promote the virtue and intelligence of the people themselves. The first question in respect of any political institutions is how far they tend to foster in the members of the community the various desirable qualities: moral and intellectual, or rather moral, intellectual and activeness. The government that does this the best has the likelihood of being the best in all other respects, since it is on these qualities, so far as they exist in the people, that all possibility of goodness in the practical operations of the government depends. The goodness of a government is measured by the degree by which it tends to increase the sum of good qualities in the governed, collectively and individually; since besides that their well-being is the sole objective of the government, their good qualities supply the moving force which makes the machinery work. The study on Mill's ideas of a representative government reveals that he was a reluctant and distrustful democrat.

ACTIVITY

Discuss the principles of political economy advocated by John Stuart Mill and evaluate them.

DID YOU KNOW?

Stuart won the Parliamentary seat of Westminster without any campaigning since he found it improper to attempt to sway the vote due to his beliefs on political process.

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Check Your Progress

4. Name J.S. Mill's book which is considered as one of the finest discourses on the definition of freedom in general and freedom of thought and expression in particular.
5. What, according to J.S. Mill, are the various types of liberties?
6. What, according to J.S. Mill, is the singular threat to an individual's liberty?

4.3 SUMMARY

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In this unit, you have learnt that:

- J.S. Mill is one of the greatest liberals and individualists in the history of political thought. The state, according to him, exists for the individual and not the individual for the state.
- J.S. Mill is one of the greatest and most enlightened champions of individualism and individual liberty, and ranks with Milton, Voltaire, Rousseau, Paine and Jefferson. He observed that the existence of a state depends on the all round development of its individuals.
- J.S. Mill's contribution remains unparalleled in history so far his recognition of the value of human personality and his insistence on the development of a full individual as the goal of the government is concerned.
- J.S. Mill is also regarded as one of the true and the most efficient democrats that the world has ever produced. He not only advocated the cause of democracy, but also made aware of the dangers of the excesses and misuse of democracy. According to him, the ultimate political sovereignty should lie with the people.
- J.S. Mill's advocacy of rights and freedom for women also deserves utmost appreciation. He was a bold advocate of the enfranchisement of women. He earnestly thought for the rights of women. He championed the cause of their emancipation in both public and private life.
- There is no denying the fact that J.S. Mill was a great man and a great political thinker. His contribution to the growth of political thought is really remarkable. Mill through his writings gave a new direction to the utilitarian tenets so as to enable them to be acceptable in the high political and intellectual circles in particular and the masses in general.
- The world will always remember him for his advocacy of the emancipation of women and their suffrage, liberalism, individualism, classic advocacy of liberty, cautious approach towards democracy and realization of the possible tyranny of the majority rule.
- Today, most consider that J.S. Mill was Britain's greatest philosopher of the 19th century.
- J.S. Mill was also one of the last major thinkers to write on nearly every philosophical topic, ranging from logic to religion. His far-sighted views on democracy, individual liberty and equality for women make him the most relevant in the contemporary world.

4.4 KEY TERMS

- **Individual liberty:** It defines the state of being free to enjoy various social, political or economic rights, free from any government control or restraints in the exercise of those rights. It forms the core of democracy
- **Good governance:** It defines a form of governance where public institutions conduct public affairs and manage public resources in a way to guarantee the realization of human rights

- **Subjugation:** It defines the state of gaining control over somebody or something
- **Representative government:** A form of government which is elected by the people; in such a form of government, only those who are the elected representatives have the power to make laws and institute taxes

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4.5 ANSWERS TO 'CHECK YOUR PROGRESS'

1. John Stuart Mill was a British philosopher, great essayist, political economist, reformer and one of the greatest political thinkers of modern times who actively contributed to social theory, political economy and political theory. He was born in London on 20 May 1806.
2. J.S. Mill started his educational career at the delicate age of 3 when he studied Greek under the supervision of his father, James Mill.
3. Besides starting his educational career at the age of 3 by studying Greek, J.S. Mill, at the age of 8, began studying Latin, algebra and geometry, and also read philosophy, including Plato's, Herodotus', Socrates', Diogenes' and Xenophon's. He read the ideas of Gibbon and Hume. At the age of 12, he studied logic and read Aristotle's *Treaties on Logic* in the original Greek. He also read some books on experimental science. At the age of 13, Mill's primary subject of study was political economy, particularly that of Adam Smith and David Ricardo.
4. Mill's *Essay on Liberty* is one of the finest discourses on the definition of freedom in general and freedom of thought and expression in particular.
5. In *On Liberty* Mill identified various types of liberties. They are enumerated below:
 - Liberty of conscience
 - Liberty of thought and feeling
 - Absolute freedom of opinion
 - Liberty of expressing and publishing opinions (freedom of speech and press)
 - Freedom to unite, for any purpose (freedom of assembly)
 - Liberty of making the plan of our life to suit our own character, of doing what we like, even if this appeared to be foolish, perverse, or wrong
6. According to Mill, the singular threat to an individual's liberty was from the tyranny of the majority in their quest for extreme egalitarianism and social conformity.

4.6 QUESTIONS AND EXERCISES

Short-Answer Questions

1. When did J.S. Mill contest for a membership in the House of Lords?
2. When did J.S. Mill serve as Lord Rector of the University of St. Andrews?
3. What did J.S. Mill intend to convey through his work *Considerations on Representative Government*?
4. Name some famous books of J.S. Mill's.

5. Name the book through which J.S. Mill made a strong claim for an equal status for women.
6. What does the study on Mill's ideas on representative government reveal?

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Long-Answer Questions

1. Sketch the life of J.S. Mill in your own words.
2. Critically examine Mill's concept of liberty.
3. Discuss Mill's contributions towards the emancipation of women.
4. J.S. Mill has been described as a reluctant democrat. Do you agree with this estimate? Give reason in support of your answer.
5. Discuss J.S. Mill as a political thinker.
6. According to Mill, 'the position of the wife under the common law of Britain was worse than that of slaves in the laws of many countries'. Discuss the condition of women during Mill's time in light of his statement.

4.7 FURTHER READING

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UNIT 5 F. HEGEL AND T.H. GREEN

Structure

- 5.0 Introduction
- 5.1 Unit Objectives
- 5.2 Friedrich Hegel
 - 5.2.1 Idealism of Hegel
 - 5.2.2 Dialectical Method
 - 5.2.3 Theory of State and Freedom of Individual
 - 5.2.4 Freedom of the Individual
- 5.3 Thomas Hill Green
 - 5.3.1 Notion of Social Contract Theory and State
 - 5.3.2 Punishment
 - 5.3.3 Political Obligation
- 5.4 Summary
- 5.5 Key Terms
- 5.6 Answers to 'Check Your Progress'
- 5.7 Questions and Exercises
- 5.8 Further Reading

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5.0 INTRODUCTION

In this unit you will learn about idealism as enunciated by Friedrich Hegel. The unit also describes various facets of Hegel's dialectical method and it also deals with Hegel's narration of the theory of the state and freedom of the individual.

Hegel was the founder of modern idealism. He innovated dialectic method and the theory of self-realization. He was critical of purely reflective knowledge. His famous work *Philosophy of Right* deals with key issues of law, politics and morality, and makes an important distinction between the state and civil society. According to some scholars and researchers, it was Hegel who was the first thinker to have understood very clearly that questions concerning morality change from one particular place and time to another, and there was nothing called a permanent moral question. The dialectic between civil society and the state of restoration is not incidental in Hegel's philosophy. Hegelian idealism is often referred to as absolute idealism because it provides us with a set of categories in terms of which all human experiences of the past and the present can be understood.

Thomas Hill Green was a leading British philosopher and political figure and founder of the school of British Idealism. He pioneered in questioning the traditional liberal antithesis between the state and the individual. He emphasized on individualism which is very strong in all liberal thought. Yet, when compared to the body of preceding liberal thought, he can be seen to have replaced the former's emphasis of the autonomy of the individual with an emphasis on the 'organic' society, and the value of community ethos.

5.1 UNIT OBJECTIVES

After going through this unit, you will be able to:

- Describe the life and times of Hegel and Green
- Define the idealism as propounded by Hegel

- Discuss the view of Hegel on the theory of state and also freedom of individual
- Discuss the 'dialectic theory' of Hegel
- Describe the views of Green on the theory of social contract and punishment

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5.2 FRIEDRICH HEGEL

Life Sketch

George Willhelm Friedrich Hegel was born in Stuttgart, Germany on 27 August, 1770. He was nineteen when the French Revolution broke out. His father was a civil servant in the department of finances of the state of Wurtemberg. Most of his relatives were either teachers or liberal ministers. He grew up with patient and methodical habits of those civil servants whose modest efficiency had given Germany the best governed cities in the world. Hegel as a student was highly industrious and hard working and he made full analysis of all the important books he read. He was sent to the grammar school at Stuttgart for his education. Hegel was a brilliant student, at school; he excelled and won a scholarship to a reputed seminary at Tubingen in 1788, where he studied philosophy and theology; he devoted himself thoroughly in theological studies in preparation for the Lutheran ministry. Later on he felt disgusted with the orthodox tenets of Christianity and abandoned the career which his parents wanted him to pursue. After completing his studies, he accepted the position of a family tutor with a wealthy family in Switzerland from 1793–1796. This was followed by a similar position at Berne and Frankfort from 1797–1800. His philosophical speculation began at this time. His father died in 1799. His inheritance was modest. He gave up tutoring and took to writing. He published a book differentiating the philosophy of Fichte and Schelling. In collaboration with Schelling, he edited the *Journal fur Philosophie*. His well known work *Phenomenology of Mind* appeared in 1807. He was a university lecturer at Jena from 1801 to 1807. After working for a year as a newspaper editor in Bamberg, he moved to Nureberg as headmaster of a high school in 1808, and continued in this position till 1816. His long work, *Science of Logic* in three volumes, appeared in 1812, 1813 and 1816. By this time, he became quite well known, and in 1816 he was invited to take up the post of professor of philosophy at the University of Heidelberg.

Two years later in 1818, he was called to the University of Berlin as the only man who could fill with credit the chair of philosophy that had been vacant since the death of Fichte. At the University of Berlin, he created a name for himself and became a favourite of the government and in a sense its official philosopher. His doctrines were highly favoured and appreciated by the Prussian Government and he was signally honoured in many ways and attracted a large following. His influence extended all over Germany. In the last phase of his life, Hegel was a devout follower and admirer of the Prussian police state, just as he had previously admired Jacobinism and Napoleon.

His principal works were *The Phenomenology of Spirit* (1807), *Science of Logic* (1812–1816), which captivated Germany by its unintelligibility and won him the chair of philosophy at Heidelberg. In 1817, he wrote his *Encyclopedia of the Philosophical Sciences* on the strength of which he could get a position at the University of Berlin. In 1821, he published his *Philosophy of Right* and his *Philosophy of History* was published posthumously in 1837. In all these works, Hegel covered many aspects of political theory.

Hegel was the founder of modern idealism and the greatest influence in the first half of the eighteenth century when the entire academic community in Germany was divided between Hegelians, the left Hegelians and the right Hegelians. He innovated dialectic method and the theory of self-realization. He propounded a new theory of history, which according to him was the human spirit writ large, the 'march of reason in the world'. He was critical of purely reflective knowledge. His famous work *Philosophy of Right* deals with key issues of law, politics and morality, and made an important distinction between the state and civil society. Towards the end of his life, Hegel started attracting large audiences from the entire German speaking world and many became his disciples. His other works were *Lectures in the Philosophy of History*, *Lecture on aesthetics*, *Lecture on the Philosophy of Religion* and *Lectures on the History of Philosophy*. In recognition of his work, in 1830, Hegel was elected rector of the University. He died suddenly on 14 November 1831, after suffering from cholera for one day.

5.2.1 Idealism of Hegel

Hegel is considered an idealist thinker. He started with the assumption that the universe is a coherent whole. In this organic unity, what he also refers to as idea, or spirit or reason, or the divine mind, is the only reality. Everything, including matter or the external world, is the creation of this idea or spirit or reason or the divine mind. Hence, it is true to say that reason is the sovereign of the world. In Germany, it was considered that if the contemporary reality was not based on reason, then the reality had to be altered. This framework of general political theory was given a highly sophisticated personal touch by Hegel with his two-fold argument that, first, history was not merely a chronological table but had a meaning which was both profound and purposeful, the particularly important thing for him being to recreate Greek harmony within the context of modern society based on individualism and reason. Second, as Alasdair Chalmers MacIntyre, a British philosopher, observed, it was Hegel who was the first thinker to have understood very clearly that questions concerning morality change from one particular place and time to another, as such and there was nothing called a permanent moral question. This led to the important assertion of Hegel that the history of philosophy was the core of philosophy. What logically followed was the important conclusion that history represented particular levels of development, and had to be judged on the basis of the advancement towards the realization of reason. Hegel was convinced that reason, truth and freedom were identifiable, and that the process of reaching the final stage and even a blue print of the final stage was conceivable as history.

Hegel's system is associated with a definite political philosophy and a political order. The dialectic between civil society and the state of the restoration is not incidental in Hegel's philosophy, nor is it just a section of philosophy of right. The Romantic movement in Germany influenced Hegel considerably, though he rejected the ideas of the movement. Among all the philosophers of the German Romantic movement it was Emanuel Kant who influenced Hegel's mind the most. Kant's famous work *Critique of Pure Reason* (1781) was a synthesis of the two different ideals of the enlightenment—Newtonian Physics and Helvetian Empiricism. Newton offered definite and unalterable laws for all the occasions and places. On the other hand, Helvetious and Hume argued that rational belief emanated from our own sensual encounters. Kant's important contribution emerged with his assertion that these two different perceptions would be reconciled by the fact that all our experiences ended in a

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Newtonian certainty, by the nature of the concepts and categories with which we understand the world. This interrelationship was crucial, as 'concepts without percepts are empty: percepts without concept are blind'.

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Kant was the exponent of practical reason, which was based on belief in God, freedom and immortality. Within this framework, any meaningful moral category had to have a universalistic basis, for instance, when all nations became republic there need not be any war. This was similar to a popular assertion in the late twentieth century that democracies do not fight one another. The condensation of history and the rejection of the past as essentially resonated in the writings of Hegel, and subsequently in those of Marx. Karl Marx's assertion, 'one hundred years of capitalism did more wonders than all the preceding history taken together', echoed the optimism and confidence that Kant and Hegel excluded.

Hegel criticized Kant's handling of reason while dealing with the challenge of empiricism. If things in themselves were beyond the scrutiny of reason then reason remained merely subjective, without control over the objective reality, leading to an unacceptable division of the world between subjectivity and objectivity. The relation between subject and object was complex but an interrelated one, with the unity of the opposite subjects or matters both in theory and practice leading to a 'praxis'. This conflict was of crucial importance to Hegel, as his seminal contribution of alienation originated with this formulation. The alienation of mind originated when the objective factors which were originally produced by human labour and knowledge became detached and unrecognizable to man. In such a situation, theory did not reflect reality, and truth had no meaning in the real world. As a result, human frustration and helplessness increased. To end this separateness in all its manifestations, the entire framework of inquiry was brought within the ambit of reason. Separateness had to be ended by a theory of unity of totality in philosophy. This utmost emphasis on reason was of tremendous importance to Hegel, as human emancipation—a distinct possibility in the modern period could only be realized on the basis of reason. Hegel emphasized the human capacity to cherish freedom, and in that sense had the capacity to transcend the imperfections of contemporary nature and society by the process of mediation. Reason and human action led to mediation by new concepts and category replacing old ones, which at one time looked stable. This was the driving force of the Hegelian dialectic, which made his philosophy a negative one.

Hegelian idealism is often referred to as absolute idealism because it provides us with a set of categories in terms of which all human experiences of the past and the present can be understood. There is another dimension of Hegelian idealism, which may be called the idealist interpretation of history. According to this theory, ideas constitute the true motor of history whereas what gives momentum to history is the development of ideas. All changes in society, economy, polity and culture take place because of development of these ideas. All changes in society, economy, polity and culture take place because of development of ideas. Hegel's idealism, which is often called absolute idealism, sees a certain relationship between the subject and the object. It is a relationship between the subject and the object. It is a relationship between a knowing subject and the objective world, i.e., relationship between the mind and the world.

5.2.2 Dialectical Method

The most distinctive feature of Hegel's philosophical system was his dialectical method. The dialectical method is as old as Socrates but in the hands of Hegel it was given a universal validity and application that was more moral and profound. According to

Hegel, the movement of thought was dialectical. By applying the categories of a thesis, and anti-thesis and a synthesis, Hegel's major thrust was to solve the problem of contradiction. It attempted to reconcile the many apparent contradictory positions and theories developed by earlier thought processes. As a method of interpretation, it attempted to reconcile the various different traits developed in the past. He never claimed to be its inventor, and even acknowledged that the ancient Greek philosopher Socrates used it. According to Hegel, every truth is the synthesis of two contradictory elements. Affirmation leads to dogmatism, negation to skepticism, and only through the systematic mediation of mysticism can the real truth emerge. According to Hegel, human progress does not take place in a positive straight line. It is always a zig-zag movement. It is just like 'a ship tackling against an unfavourable wind'. The world according to Hegel is not static, but dynamic. The true concept of this world must be an active, moving process, a process of evolution. In evolution, something that is underdeveloped, undifferentiated or homogenous develops by assuming many different and opposing or contradictory forms. It then unites again in a new concrete form. It does not remain what it was, but it is preserved in a higher form. This whole process was given the name of 'dialectic' by Hegel.

Hegel's own use of the dialectical method originated with his identification of Kantian critical theory, which meant rejection of the Enlightenment philosophical method based on the scientific approach of studying nature. Crucial to this method was a belief that accuracy came out of a method of reduction, which meant that knowledge emerged out of the detailed study and analysis of parts. Hegel's dialectical method pre-supposed that ideas and beliefs were to be related to their institutions and social structures, i.e. the spheres of the subjective mind and the objective mind had to converge. The categories of subject and object were to go together as theory and practice. What apparently looked contradictory were actually dialectical terms, interdependent. This method was to be internally, linked to the subject matter. It did not just record and observe but attempted to build an edifice of a well-connected discourse, which one may accept or reject. It accepted dialogue and conversations and the very basis of the dialectical method was a constant endeavour to convert every occasion of non-agreement into an occasion of agreement. In the *Phenomenology*, Hegel gave an example of the use of dialectics in human consciousness but a more comprehensive political use was found in the *Philosophy of Right*, in which the dialectical process reflected the evolution of world history from the Greek world to Hegel's time. According to Hegel there was a dialectical pattern in history, in the state representing the ultimate body, highly complex formed as a result of a synthesis of contradictory elements at different levels of social life. However, the relationship between contradiction and synthesis was within the concepts saved by human practices. Marx too discerned a dialectical pattern in history, but then understood contradictions between the means and relations of production and different stages of history.

Everything, as Hegel expressed, is to be understood, not only by what it is but what it is not. The opposite of being is not being, and being and not being are alike summed up and carried further towards reality. Each stage, or thesis reached by the ideal until it has arrived at its goals, must fall short of perfection. Its imperfections will call into being a movement to remove them or the anti-thesis. There will be a struggle between thesis and anti-thesis until such time as a synthesis is found, which will preserve what is true in both thesis and anti-thesis. The synthesis, in its turn, will become a new thesis, and so until the idea is at last enthroned in perfection.

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According to Hegel, the dialectic is the only way in which the human mind can arrive at the truth about anything. As human beings you formulate a doctrine about something. That doctrine will contain elements of truth but also since all human beings are passionate, self-centered, fallible and limited by their particular historical perspective, elements of error—other individuals perceiving the error in that doctrine will formulate a doctrine, which will be precisely the opposite. Their doctrine will contain elements of both truth and error. A third doctrine is necessary in order to preserve what is true in both, only a synthesis can reconcile the thesis and its anti-thesis. The third doctrine again became a new thesis subject to self-contradiction and you are faced with the problem again of constructing a new synthesis out of this third doctrine and its anti-thesis. This process presumably continues indefinitely although each synthesis is thought to be closer to the absolute truth than each presiding synthesis.

All finite things, according to Hegel are contradictory in themselves. Moreover, it is not men who remove these contradictions but reason itself, if not us, but the very force, within the thesis and the anti-thesis, which is the reason that promotes development. Contradiction or the Dialectic is, therefore a self-generating process. It is the principle of the world.

Dialectic is, therefore, a theory which explains how history is the story of the continuous development of the spirit. Since all the former steps of the spirit are preserved in the new ones taken it emphasizes the continuity of that story of the increasing revelation of the spirit. History is a process by which the spirit passes from knowing nothing to the full knowledge of itself. It is the increasing revelation of the purposes of the rational mind. Hegel applied his dialectical theory to the explanation of the progress of society and its institutions. The purpose of the dialectics is to display what Hegel calls 'necessity in history'.

The historical necessity which Hegel saw in history was a physical and moral compulsion. He had before his eyes the picture of Germany after the Battle of Jena, which was hopelessly miserable. He wanted Germany to stand and Arise and become a world spirit. In other words, Germany should have its domination all over the world. When he said that Germany must become a state he meant that it ought to do so and the highest interest of civilization and national life required it to advance in that direction. Germany must become a state not because the Germans wished it but because the growth of Germany into a world-state was in line with the whole direction of moral and scientific development as it was the present bearer of the world spirit. The disunion and feebleness of Germany, he says, were not the marks of her decay but rather the travel of the German spirit about to give birth to a new social and political order. It is in this way that Hegel made an appeal to the fidelity of German nation and idealized and exalted the state to its mystical height. Thus, dialectic was not only a logical method of arriving at the truth; it was also a moral instrument for bringing about the unification of Germany and its emergence as a great nation.

The first criticism of Hegel's methodology is that the dialectic is very vague and ambiguous. Professor Sabine, professor of geography at Bonn University, contended that the most obvious error in Hegel's dialectic was the extreme vagueness, not to say the ambiguity, of his use of terms and the extreme generality that he attributed to words, which are notoriously hard to define. He uses words like 'thought,' 'contradiction', 'absolute idea', 'civil society', 'march of God on earth' to mean what he wants them to mean. His use of these and so many other words is unconventional, vague and ambiguous. Hegel's theory of dialectic was full of over-simplification and over-generalization.

Second, as a synthetic logic, which Hegel wanted to replace, supplement and supersede the logic of the understanding, it was neither convincing nor effective.

Third, according to Hegel's dialectical and historical method, the course of history is determined. In the words of Professor Lancaster, founder and director of the Electronic Cultural Atlas Initiative (ECAI), 'it is a necessary result of following the dialectical method that the individual wishes and preferences are reduced to the level of mere caprice. The actors in human history are not but vast in personal forces'.

Fourth, it is criticized that a double-edged sword, which was used by Hegel as an instrument of conservatism, while in the hands of Marx and Engels was a tool for bringing about revolutionary communism.

Fifth, Sabine has pointed out that Hegel's theory of the logical emergence of the German national state out of the dialectical logic was not correct. Hegel's theory of nationality was not the outcome of the dialectic but was occasioned by the revolutionary upsurge of contemporary France.

Sixth, it is also criticized that logic as such cannot be the only basis of all human activities. Dr Mac Taggart has pointed out three difficulties in Hegel's dialectics, which are as follows:

- The first difficulty is that the thesis, the anti-thesis and the synthesis cannot be recognized except in relation to one another.
- The second difficulty is that in religion, liberty, history, law and philosophy, the dialectical process is affected by the external influences.
- The third difficulty is that in the application of the dialectical method to the field of natural and social sciences, you will be dealing with a subject matter which is highly intricate and not sufficiently systematized.

5.2.3 Theory of State and Freedom of Individual

Hegel regarded the state as the embodiment of the Geist or the universal mind. The state, according to Hegel, was the representative of the divine idea or divine purpose. As such, he regarded it as essentially divine in origin. The state, as such, must be looked upon with great reverence. Since, Hegel regards the state as the product of the divine will; he rejects the social contract theory as the origin of the state altogether. The social contract theory makes the state an artificial institution—a position which Hegel is not prepared to accept. The idea that men in the state of nature were free and equal appeared to be absorbed and ridiculous to Hegel. Life of men in the state of nature, according to Hegel was marked by injustice and violence and it was mostly dominated by natural impulses and feelings. He regarded the state not as a play writ of the individuals but as a product of a long process of evolution. It marked the advancement from lower group life to higher and more perfect institutional life. It grew from the family which was replaced by civil society, and the civil society was replaced by the state. At every stage of this development, Hegel saw the working of the universal mind or the hand of the spirit, which was God. This is the Hegelian concept of the state as the march of God on earth. Through his logic also Hegel has amply proved that state is God in human history. It is a unity between particularity and universality and, therefore, it constitutes perfect rationality. To Hegel, what is rational is real and what is real is rational. The state is perfectly rational and, therefore, it was perfectly real. Since, perfect reality is God; the state is, therefore, God in the phenomenal existence.

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Check Your Progress

1. Fill in the blanks:

- (a) Hegel was born in _____

_____ on 27 August 1770.

- (b) Hegel was the founder of _____

2. State whether True or False:

- (a) According to Hegel every truth is the synthesis of two contradictory elements.
- (b) Hegel's own use of the dialectical method originated with his identification of Kantian critical theory, which meant rejection of the enlightenment philosophical method based on the scientific approach of studying nature.
- (c) According to Hegel the dialectic is the only way in which the human mind can arrive at the truth about anything.

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According to Hegel, the state represented universal altruism. It synthesized dialectically the elements within the family and civil society. As in the case of the family, the state functions in a manner that the interests of everyone were furthered and enhanced. It represented the universal tendencies within civil society, thus giving rise to the notion of civil society. The state had 'its reality in the particular self-consciousness raised to the place of the universal'. The state was 'absolutely rational' and had substantive will for realizing itself through history, and was therefore, internal. Hegel perceived the state as an end in itself; it was mind realizing itself through history. As an idealist, Hegel viewed the state as an organism having the highest right over the individual, whose highest duty in turn was to be a member of the state. He emphasized the public nature of the state, yet he did not distinguish between the private and the public spheres. Hegel examined the different components of the state like the rule of law, the bureaucracy and the monarchy.

According to Hegel, the state also is an end in itself. It is not only the highest expression that the spirit has yet to attend; it is also the final embodiment of spirit on earth. There can thus be no spiritual evolution beyond the state anymore, and then there cannot be any physical evolution beyond man. The state too is a whole, which is far greater than the parts which compose it and which have significance only in it. The state is unchecked by any moral law, for it itself the creator of morality. This can be seen clearly in its internal affairs and in its external relations. Firstly, it lays down what shall be the standard of morality for its individual citizens. It goes without saying that they can never plead conscience or the moral law against it. Kant had believed that the individual conscience or the practical reason of the individual was the guide of guides to cling to. Hegel while going beyond Kant to J.J. Rousseau maintained that conscience can only tell us to do what is right. It cannot tell us what is right. Conscience itself must be informed by the traditions of the community. According to him, wisdom and virtue consist in leaving conformably to the customs of one's people, which are indeed the collective reason of the past and the state is the truest interpreter of the tradition of the community. It can tell us what is good, and conformity with its decrease, or social ethics, is thus the highest morality. The state can recognize no obligation other than its own safety in its relations with the other states. Its own welfare is its highest law. It is a generally acknowledged and is a well known principle that the particular interest of the state is the most important consideration. Against this no plea based on hypothetic morality can be allowed. In the *Ethics*, Hegel writes categorically 'the state is the self-certain, absolute mind which acknowledges no abstract rules of good and bad, shameful and mean, craft and deceptions.' International relations, therefore, are relations between sovereign states who believe that what is in their own interest is right and that the only sin is to act knowingly against those interests. He further writes 'the fundamental propositions of the international law remain a good intention. States look upon the stipulations which they make with one another as provisional. Hence when the particular wills of states can come to no agreement; the controversy can be settled only by war.' Moreover war is not to be regarded as an absolute evil. For Hegel peace corrupts and everlasting peace would corrupt everlastingly. War is the state of affairs which deals in the earnest with the vanity of temporal goods and concerns – a vanity at other times a common theme for edifying sermonizing. He writes that successful wars have prevented civil broils and strengthened the internal power of the state.

According to Hegel, the state is an individual in history. It is to history what an individual is to biography. The state was the achievement of freedom because it was

the embodiment of freedom. The real freedom of the individual consists in obeying the laws of the state and cultivating the habit of looking at the common wealth as our substantive purpose and the foundation of our lives. From the point of view of will it is the incarnation of the general will or real will. The state represents the best in the individual will. It has a will and a personality of its own apart from and superior to the will and personality of its members. The individual can attain his true freedom only as a member of the state. Rights are derived from the state and therefore, no man can have any right against the state. The end of the state is the glorification of the state itself. Professor L. T. Hobhouse (a British liberal politician and sociologist) has summed up the Hegelian theory of the state by calling the state as a greater being, a spirit, a super—personal entity, in which the individuals with their private conscience or claims of right, their happiness or their misery are merely subordinate elements. The state also represented the highest social morality and it led down the standard of morality for its individual members. Hegel regarded the state as a mystic transcendental unity, the mysterious union of all with the entire greater whole which embraces all the other institutions of social life. Hegel morally and rationally exalted the authority of the state. Hegel completely subordinated the individual to the authority of the state. His personality has been reduced to a zero. Professor C.E.M. Joad (English philosopher and broadcasting personality) has drawn the following paradoxical conclusions from Hegel's theory of the state:

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- The state can never act unrepresentatively. The policeman who arrests the burglar and hands him over to the magistrate, and the magistrate who sends him to the jail expresses the will (real will) of the burglar to be arrested and to be locked up.
- The bond which binds the individual to other individuals in the community and to the state as a whole forms an integral part of his personality. He cannot act as an isolated unit but only as an integral part of the state. The will with which he acts is not purely individual will but a part of the will of the state as well.
- The state contains within itself the social morality of all its citizens. It is a supreme moral community, a guardian of the whole moral world and not a factor within an organized moral world.

5.2.4 Freedom of the Individual

Hegel's concept of freedom was based on the old Greek idea of an individual finding his true self, freedom and personality in and through the state. According to Prof. G.H. Sabine, Hegel swung back in the direction of Greek political theory towards the view that an individual good implies the performance of a socially valuable task. According to Hegel, freedom is the very essence of man. It is his distinctive quality to renounce freedom and to renounce one's humanity. Not to be free, therefore, is to cease to be a human being. It is however, not the freedom of any and every casual will of which he talks. His freedom consists in rendering obedience to the real will or the reasonable will. In this concept of freedom he was very much indebted to Rousseau and Kant. In developing their theories and freedom, in fact, both Kant and Hegel have started from Rousseau's concept of moral freedom as the peculiar and distinctive quality of man, and both considered the state entirely in its relation to this freedom. But the Kantian concept of freedom was negative, limited and subjective in meaning, which made his attitude to the state somewhat individualistic. Kant had interpreted freedom as the right to will a self-imposed duty, and he insisted that every man

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possessing in virtue of his reason such a will, existed, and ought to be treated, always as an end in himself and never as merely a means. To Hegel, freedom of this kind is negative because it wears the face of beauty, and it is limited because it isolates each man as an end in himself. Such freedom is, again subjective because it resides in the inner world of intention and conscience, and does not find a free issue outwards into the objective life.

According to Kant, freedom consists in obedience to any moral will, but according to Hegel, freedom consists in obedience to the dictates of social morality, to the moral will of the community. According to Hegel, freedom consists in obedience to the dictates of the universal reason but he would identify the dictates of universal reason with social morality rather than with the isolated moral will of the individual. The state, for Hegel, is the crystallization of this social morality; it is the embodiment of the community.

According to Hegel, freedom consists in willing to make your natural self (composed of particular interest and passion) conform to thinking self (reason). A person realizes freedom when he submits to the law, to the rules of social morality and to the institutions of the national state. The state is the highest and the most perfect embodiment of social morality. It is sustained by personality as freedom of will transcends by compelling to contemplate a good beyond its own personal interest.

Hegel equates liberty with law. Law may guarantee and safeguard liberty but sometimes it may also go against liberty. In order to justify his equation of liberty with law Hegel says that only that authority has the power to make laws or thus guarantee liberty which can represent the spirit of the nation. The spirit of the nation cannot be represented by the majority of the people or by an assemblage of man. It can only be represented by one actual decreeing individual, i.e., the monarch. In other words, Hegel identifies the will of the monarch with the liberty of the individual. According to Hegel, each and every element in the society can reach its free resistance only in an absolute monarchy like the one prevailing in the then Prussia.

Hegel emphasized that freedom consists of complete obedience to the laws of the state. He argues that the state is the embodiment of reason. The laws of the state are the outward expressions of reason. According to German idealist, freedom lies in the obedience of reasons. Another argument put forward by Hegel is that the essence of spirit, which seeks to know itself, is freedom. The history of mankind is the history of the evolution of spirit and hence of freedom. When the state is the embodiment of freedom, all the individuals live under freedom. The individual realizes freedom to the extent to which he identifies himself with the spirit or the essence of spirit. There are two wills existing side by side in the individual mind – real will and actual will. Real will represents the rational will and takes care of the interest of the community as a whole while the actual will looks after the personal and private interest of the individual alone.

According to Hegel, freedom for the individual consists in subordinating the actual will to rational will. By serving the interest of the community alone, the individual can get the fulfillment of his personality. The impulsive will being very powerful, the individual himself cannot subjugate it without the help of the state. The only way to be free is the voluntary submission of the impulsive will to reason which is expressed in the state. According to Hegel, an individual is free only if he identifies voluntarily, willingly and consciously with the laws of the state. If an individual obeys the state due to fear or punishment he is no longer free. Hegel does not conceive of the freedom

in terms of the rights of the individuals. The state according to him is omnipotent. The individuals do not possess any rights against the state. He does not give any rights of speech, or expression or association to the individual in conflict with the state. In the state alone, man can find freedom, while without it, he is completely in subjugation.

Hegel's ideas of freedom was both objective and creative, and it outwardly expressed itself in a series of outward manifestations—first the law, then the rules of the inward morality; and finally the whole system of institutions and influences that make for righteousness in the national state. The whole system of institutions and influences was called social ethics by Hegel. The state should be envisaged in terms of social ethics. The social morality is the product of a free will seeking to realize itself in a positive and objective form; and the state, as the highest expression and organ of social morality. Individual freedom therefore was a social phenomenon. It consisted in participation of the moral life of the community. Freedom to Hegel meant willing of what is rational of what the spirit would desire and the power to perform it. It consisted in total obedience to the state and performance of duties.

According to Professor G. H. Sabine, 'theory of freedom was a part of the widespread reaction against the violence of the French revolution. There was a sound reason why the case against the revolution should have appealed to a German philosopher. The theory of natural rights, while of course fully known to educated German's, had never made itself part of the popular consciousness in Germany. In England and France, the seventeenth and the eighteenth centuries had seen the theory made into a defense of revolution and Germany was a country in which there was no revolution. Hegel's view on freedom implied two things. Firstly, he continually implied that no genuine conflict of interest can arise between the individuals and the society they belong to, and secondly, the state is continually represented as standing for the possible ethical value. These two phases of Hegel's philosophy, though they are perfectly comprehensible when viewed in the light of the circumstances in which he wrote, are nevertheless the causes of great confusion in his thoughts.

5.3 THOMAS HILL GREEN

Thomas Hill Green was an English philosopher, political radical and temperance reformer, and a member of British idealism movement that was born in Yorkshire, England in 1836. He was born on 7 April 1836 in Birkin, a tiny village in the West Riding of Yorkshire, where his father was rector. Together with his sisters and three brothers, Thomas was brought up by a nanny following the death of his mother when he was only a year old.

Like all the British idealists, Green was influenced by the metaphysical historicism of G.W.H. Hegel. He was one of the thinkers behind the philosophy of social liberalism. He was the son of a clergyman in the Church of England. On the paternal side, he was descend art from Oliver Cromwell. His education was conducted entirely at home until at the age of fourteen, then he entered Rugby, where he remained for five years. He entered Balliol College, Oxford in 1855 where he was destined to spend the remainder of his life. Neither at Rugby nor at Oxford was Green a prominent scholar. Regular studies did not appeal to him but he read widely and profitably in many fields. At Balliol he came under the influence of the great Benjamin Jowett and by this inspiring contact was fired to more definite and purposeful intellectual endeavours. Green was elected a fellow of Balliol in 1860 and continued in this capacity

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Check Your Progress

3. Fill in the blanks:

(a) According to Hegel, the state represented _____

(b) Hegel's concept of freedom was based on the old _____

_____ idea of an individual finding his true self, freedom and personality in and through the state.

4. What is the dialectic theory?

5. What was Hegel's idea of freedom?

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right up to 1878. In 1878, he was chosen as Whyte Professor of Moral Philosophy. He married Miss Charlotte Symonds, a sister of John Addington Symonds in 1871. John Addington Symonds was a noted critic and poet of his days. Green's teaching at the University of Oxford covered a wide range of subjects including history, ethics, logic, metaphysics, education and the history of philosophy. Green was not merely a clustered pedagogue. He took an active part in public affairs and was a member of the Oxford town council for many years. Thomas was a frequent campaign speaker for the liberal party, served as member in several committees and commissions and was a prominent worker in the temperance movement. He was stricken with blood poisoning in 1882 and died at the age of forty-six. In his political philosophy Green was highly influenced by his studies of the Greek classics. According to Dr Barker, 'The influence of Plato and Aristotle has been peculiarly deep in England'. The curriculum of the oldest and most important branch of studies in Oxford finds in the 'Republic' of Plato and the 'Ethics' of Aristotle in its central texts; and truths drawn from Greek thought have been taught in Oxford and enforced in the world, not only by the thinkers, but also by the man of action who have been trained in this curriculum. Green himself was a product of the University of Oxford and there he had also served as a Professor of moral philosophy. The ultimate basis of his philosophy is to be found in the writings of Plato and Aristotle. Another and more important influence on the political ideas of T. H. Green was that of German philosophy. Green drew his inspiration from the writings of Kant and Hegel. Among the philosophers of the continent who exercised a tremendous influence on the writings of Green, the author of the *Social Contract*, i.e., Rousseau was the most important. What he found permanently valuable in Rousseau was the conception of the state or sovereign as representing a General Will, and as authorized or entitled to obedience on that account.

Green was involved in local politics for many years, through the University, temperance societies and the local Oxford Liberal association. During the passage of the Second Reform Act, he campaigned for the franchise to be extended to all men living in boroughs, even if they did not own real property. In this sense, Green's position was more radical than that of most other Advanced Liberals, including William Ewart Gladstone. It was in the context of his Liberal party activities that in 1881 Green gave what became one of his most famous statements of his liberal political philosophy, the *Lecture on Liberal Legislation and Freedom of Contract*. At this time, he was also lecturing on religion, epistemology, ethics and political philosophy. Green was influenced by the metaphysical historicism of G.W. F. Hegel like all the British Idealists. He was one of the thinkers behind the philosophy of social liberalism. Green was most influential during his life time as a teacher and it was not until after his death that his most important works were published. His *Lectures on the Principles of Political Obligation* were first delivered during his tenure of the chair of moral philosophy at Oxford in the winter of 1879-80 and first published in 1882. Likewise, his *Prolegomena to Ethics* was also published after his death. Green's views were previously known indirectly through the *Introduction* to the standard edition of Hume's works by Green and T. H. Grose, fellow of Queen's College, in which the doctrine of the 'English' or 'empirical' philosophy was exhaustively examined.

Most of his major works were published posthumously, including his lay sermons on *Faith and The Witness of God*, the essay *On the Different Senses of 'Freedom' as Applied to Will and the Moral Progress of Man*, *Prolegomena to Ethics*, *Lectures on the Principles of Political Obligation*, and the *Lecture on Liberal*

Check Your Progress

1) According to Hegel, the state is represented by the General Will.

2) Hegel's concept of freedom was based on the idea of the individual and his freedom and personality in and through the state.

3) Write a short note on Hegel's theory of freedom.

4) What was Hegel's idea of freedom?

Legislation and Freedom of Contract. His other famous book was *Lectures on Liberal Legislations and Freedom of Contract*.

F. Hegel and T.H. Green

5.3.1 Notion of Social Contract Theory and State

Green did not approve the social contract theory of the origin of government. He considered it a confused way of stating truth. The social contract theory has been rejected on the ground that it makes the state a voluntary association. He also rejected the force theory of the origin of the state because it makes the force as the very basis of the state. The basis of the state not 'consent', neither it is force, but it is will. This conception of his becomes clearer when he analyses Austin's definition of sovereignty.

It is not existence of supreme coercive power that makes a state but 'supreme coercive power exercised in certain ways and for certain ends viz. exercised according to law written or customary, and for the maintenance of rights.' The state maintains through a system of law, the possibility of freedom that otherwise would not exist. Green himself says that the state is justified in using force to repeal a force which is opposed to freedom. Hence, it can be said that apart from the state the individual can have no existence as a person. Green regards the state as natural and necessary. He considered it as an ethical institution essential to the moral development of man. Its primary purpose is to enforce rights, even by compulsion if necessary. Although natural and necessary but the authority of the state is neither absolute nor omnipotent. It is limited both from within and without. It is limited from within because the law of the state can deal only with the externality of an action and intentions. It cannot deal with motives. The state cannot promote morality directly. It can simply remove obstacles to good life. It is limited again by the fact that in exceptional circumstances particularly when the laws of the state are tyrannical and the state fails to promote the common good, the individual has the right of resistance. According to Green resistance under these circumstances is not merely a right but it becomes a duty.

Green further recognized that the various permanent groups with society have their own inner system of rights and that the right of the state over them is one of adjustment. According to Barker the state adjust each group its system of rights internally and it adjusts each system of rights to the state externally. Since the power of the state is that of adjustment, it therefore, had ultimate authority. Green mentioned that the existence of groups in society contains the germs of the theory of pluralism. But Green has not taken up the pluralistic position at all.

The authority of the state is limited from without in the sense that it has to show its respect to the existence of international law. Like Kant and unlike Hegel, Green is a believer in international law and international organizations. The right of every man as man to free life involves the conception of a common humanity and of a common social organism. According to T. H. Green the function of the state is negative. Good life for the most part is self-earned. The state cannot promote it directly. Its business was simply removing obstacles to freedom. The three greatest obstacles to freedom, as he saw it, were ignorance, drunkenness and poverty. It is the function of the state to remove such obstacles. Classical liberalism, he thinks went wrong in regarding freedom simply in negative forms; freedom is positive. Thus, Green led the intellectual foundations for the modern social welfare state, for old age pensions, unemployment and insurance, health insurance, and all the other legislative schemes designed to promote 'self-security'.

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Commenting upon Green's theory of state actions G. H. Sabine said 'Green's general principle that a liberal government ought to legislate in any case where the law can remove an obstacle to the highest moral development of its citizens, provided at least the framework for a wholly different conception of government form that held by the older liberalism'. In place of *laissez-faire* and freedom of contract it opened the way, in the name of positive freedom, for any degree of social legislation that could be justified as particularly effective in improving the standard of living. What Green added to liberal theory was his conception of collective well being as a pre-condition of individual freedom and responsibility. Thus in principle Green's revision of liberalism closed up the gap which *laissez-faire* has placed between politics and economics and put on government the duty of regulating the economic system and it fails to produce humanity satisfying results.

The state, Green insists is the only source of actual rights. He says idea rights may be conceived which are not in the state; only when they are in it do they become rights. Green's state like Hegel's, is a community of communities, but again like Hegel's there is no questions that it is supreme over all the communities. The members of the state derived the rights which they have as members of other associations from the state and have no rights against it.

For all his belief that the state was the embodiment of the Divine Spirit, Green never regarded the state as an end in itself. It was a means to an end, and that end was the full moral development of the individuals who composed it. He believed in the existence with the General Will. He is convinced that this general will is the real basis of the state. Legal sovereignty, he agrees with Austin, must reside in the supreme authority within the state, in that body which recognizes no power above itself. But behind this legal sovereign is the General Will, and this General Will, not force or fear is what really determines the habitual obedience of people. Men habitually obey only those institutions which, perhaps unconsciously, they feel represent the General Will. This is true irrespective of the form of government the state may possess, since even an absolute monarchy must inspire loyalty and voluntary submission in its subject. According to Green, 'General Will' is the true sovereign of the community.

Green believed that the state should foster and protect the social, political and economic environments in which people will be able to get their chance to act according to their conscience. It is the responsibility of the state to decide which liberties to curtail and in which way. Over-enthusiastic or clumsy state intervention could reduce or close the opportunities for conscientious action. This will eventually stifle the moral development of the people. The state should intervene only when it is sure that a particular liberty is enslaving a person. Even under such a situation, Green was of the opinion that the community should react to such a situation instead of the state as local councils and municipal authorities tended to produce measures that were more imaginative and better suited to the daily reality of a social problem. Hence Green favoured the 'local option' where local people decided the issuing of liquor licenses in their area through their town councils. He stressed the need for specific solutions tailored to solve specific problems. Green also thought that there are no inevitable solutions or timeless division of responsibilities between national and local governmental units. The distribution of responsibilities should be based on the participation of as many individuals as possible to exercise their conscientious will in particular circumstances. This would help to foster individual self-realization in the long-run. If the local and municipal departments are unable to control the harmful

influences of some social evils then the national state should take responsibility for the public policy of this area. Green argued that the ultimate power to decide on the allocation of such tasks should rest with the national state. The national state according to Green upholds a system of rights and obligations that is likely to help in individual self-realization. Even after all this, the most appropriate structure of this system cannot be determined by purely political calculation nor by philosophical speculation.

5.3.2 Punishment

Green's views on punishment are essentially related to his theory of state action. In order to maintain conditions and remove obstacles, the state must positively interfere with everything tending to violate conditions or impose obstacles. It must use force to repeal a force which is opposed to freedom. According to Barker, punishment is not inflicted with any direct reference to the moral guilt of the offender in the past; or to his moral reformation in the future. If it were imposed with reference to moral guilt, it would have to be graded according to the degree of moral guilt, and here we are at once made by the insuperable difficulty that moral guilt cannot be measured by degrees because we cannot enter into the recesses of the will to discover its intensity or quality. If again punishments were imposed with reference to moral reformation in the future, it would not only lose its power as a deterrent, but it would deprive the criminal of the possibility, let us rather say, the fundamental duty of regenerating his own will.

The criminals who are anti-social, constitutes a force opposed to freedom. Punishment in such a case is a force directed against that force. Punishment is not inflicted with any direct reference to the moral guilt of the offender in the past or to his moral reformation in the future. If it were imposed with reference to moral guilt, the difficulty would arise that moral guilt cannot be measured by degrees. If again punishment were imposed with reference to moral reformation in the future, it would not only lose its power as a deterrent, but it would deprive the criminal of the possibility of regenerating his own will. Actually punishment is adjusted to maintaining the external conditions necessary for the free action of will; it is not adjusted to the inner will itself. It is in fact directed to secure the external conditions necessary for the moral action. Punishment therefore, like all state action, has a moral purpose. It is moral in the sense that its ultimate aim is to secure freedom of action for the moral will of every member of the community.

According to Green, the primary object of punishment is not to cause pain to the criminal for the sake of causing it nor chiefly for the sack of preventing him from committing the crime again, but to associate terror with the contemplation of the crime in the minds of others who might be tempted to commit it. The future prevention of crime is the chief object of punishment. Green said that the state looks not to virtue and vice but to rights and wrongs. It looks back to the wrong done in the crime which it punishes; not however, in order to avenge it, but in consideration of the sort of terror which needs to be associated with such wrong-doing in order to ensure the future maintenance of rights. Actually punishment is adjusted to maintain the external conditions necessary for the free action of will; it is not adjusted to the inner will itself. Its ultimate aim is to secure freedom of action for the moral will of every member of the community. It implies that punishment should be given according to the importance of the right violated.

According to T. H. Green, punishment has both direct and indirect defect. Directly, it is a force preventive of a force opposed to rights. Indirectly, punishment is,

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Check Your Progress

6. Fill in the blanks:

(a) Green was born on 7 April 1836 in _____.

(b) Green was influenced by _____ in Balliol.

(c) Green regards the state as _____ and necessary.

7. What is Green's view on state?

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and in order to be effectively preventive must be a reformation of the will, or rather a shock which makes criminal reformations possible. Even in this aspect, punishment is a removal of obstacle; for the obstacle which the criminal opposes is not only a force, but a will.

Green states that 'it is commonly asked whether punishment according to its proper nature is retributive or preventive or reformatory. The true answer is that it is and should be all three'. Beccaria had previously attempted to do the same with a theory of deterrence and an aspect of retributivism, but he failed to keep his theory consistent. Before launching into Green's work on crime and punishment, it is important to acquire a basic knowledge of the two theories, namely retributivism and deterrence, which Green attempts to unite. This brief examination of these concepts should indicate why they are so difficult to unite. This is only a short overview of an in depth analysis of each theory.

Retributivism, a concept advocated by Kant, obtains its right to punish from the social contract theory. To this end Kant formulated a framework that he called the categorical imperative: 'act only according to that maxim whereby you can at the same time will that it should become a universal law'. Kant argues that punishment restores injustice that has been done when the moral or laws are broken. The offender has transgressed the moral law and has therefore brought the punishment upon himself. The punishment according to Kant needs to be fixed and has to be of equal value to the crime committed. Thus for murder, the punishment would be execution. For each crime there is an 'equal' physical punishment and once this is set no discretion can be used. Factors such as reform and deterrence have no place and cannot be used as mitigating factors. Hence someone who has reformed still needs to be punished 'equal' to the value of his crime. However, this does not mean that retributivism punishment may not lead to reformation. Deterrence and reform may be a side product of punishment under the '*lex talionis*' model, but nothing more. This effect may even be desirable. Retributivism focuses on the personal responsibility rather than the greater good. Various flaws already become apparent, as there is not always a physical punishment which is equal to each crime. It also does not take the circumstances or crime rates into consideration.

Thus, although retributivism can appear lacking in compassion. Individual responsibility, dignity and worth are largely absent from utilitarianism. The deterrence theory is completely opposite to the theory of retribution. A main advocate of this utilitarian theory of deterrence is Bentham. The right to punish is derived from concept of good or 'the greatest happiness of the greatest number'. The development of happiness is the key and any action that cause harm to the greater good need to be deterred. This shows that the idea of reform falls mainly within the idea of this theory. Punishment in itself is harm or unhappiness and should therefore be avoided unless it produces more happiness than harm.

Deterring harm becomes the main aim. Hence the punishment does not need to correlate with the crime committed. The punishment is designed to deter the individual and others for committing similar acts. This theory allows making examples of the individual when the crime rate goes up or even allows the punishment of innocent people if the outcome creates more happiness for the greater number. This is not, of course, desirable. If, however, it leads to greater happiness it is acceptable.

What follows now is Green's attempt to join aspects of both theories together. Green begins by asking himself: when does the state have the right to punish? As

Check Your Progress

1. Fill in the blanks

(a) Green was born in 1826.

(b) Green was influenced by Bentham.

(c) Green regards the state as a necessary evil.

2. What is Green's view on state?

noted above, both theories have different justifications for punishment. Green's theory is one that is based on rights: 'The right . . . of free life in every man rest on the assumed capacity in every man of free action contributory to social good'. He continues to argue that men cannot possess natural rights in a state of nature. Rights can only truly exist if there is a society that controls these for the purpose of achieving a recognized common interest. 'Natural rights', he argues; so far as there are such things, are themselves relative to the moral end to which perfect law is relative. A law is not good because it enforces 'natural rights,' but because it contributes to the realization of a certain end. We only discover what rights are natural by considering what powers must be secured to a man in order to attain this end. These powers a perfect law to secure its full extent.

This framework of the shared 'common good' forms the basis of our society's existence as well as the morality of the individual. Green shared Kant's view of the 'categorical imperative' and believed that this formed the content of morality. Green extends Kant's idea, claiming that possession of these natural rights include no interference of other members of the same society and a recognition by the individual of the other's rights. This means that a person should accept the moral agency of others as long as these actions do not impede the common good. Green maintains that 'associated men' have the right on their part to hinder and even prevent actions as interference contributory to social good. This constitutes the right of punishment, the right to use force . . . as may be necessary to save others from this interference.'

The purpose of punishment is not to punish moral wickedness; rather its purpose is the 'protection of rights, and the association of terror with their violations'. This means that a framework of rights ultimately brings with it a framework to enforce these rights—punishment. The logical conclusion is therefore that the state has to do what is necessary to maintain the rights and the common good that comes with it. A punishment however is unjust if the action is not a violation of a known right or fulfilling a 'known obligation of a kind. So far Green has established a framework of punishment. This framework is only in place because there are rights that are associated with each punishment. To accomplish just punishment Green states that the following aspects need to be incorporated into any theory of punishment.

Punishment of crime is preventive in its object; not, however, preventive of any or every evil or by any and every means, but . . . justly preventive of injustice; preventive of interference with those powers of action and acquisition which it is for the general well-being that individuals should possess, and according to laws which allow those powers equally to all men. But in order effectually to attain its preventive object and to attain it justly, it should be reformatory.

To understand what Green is trying to do and how he does it, each aspect of his theory needs to be scrutinized. He explains that although punishment should be just and retributive, it should not be mistaken with private vengeance. Only the state and its agencies have the right to inflict punishment. No individual has such a right, except in self-defence. This right has been given to the state on the understanding that it will prevent harm and if it fails to do so to punish the offender. At this point Green mentions that the amount of punishment to be used, is as much as is necessary to ensure future protection (137: 180). With his theory of punishment, he is trying to avoid the extremes of both the Kantian as well as the Utilitarian views. 'Kantianism and Utilitarianism are defective theories which must be rejected as they stand, but which can be exploited for their special insights'.

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So how does Green combine the two concepts? A crime, as mentioned above, is an action that violates a real right. 'Crime should be punished according to the importance of the right which it violates, and to the degree of terror which in a well-organized society needs to be associated with crime in order to protection of the right'.

Although Green advocates that the objective of punishment is deterrence, he does not neglect the fact that punishment needs to be retributive and reformatory. Like Hegel and Kant he agrees that punishment is in its own right an act returning on himself, in the sense that it is the necessary outcome of his act in a society governed by the conception of rights, a conception which the offender [sic] appreciates and to which he does involuntary reverence.

Retributivists would argue that in order to have a just punishment one must inflict equal physical harm that the crime has caused thereby making amends for the crime committed. Again Green agrees that the violation of a right demands retribution and that the criminal should 'have his due, and [sic] should be punished justly.' This is the point where Green and Kant's views differ. Green argues that a just punishment is not the same, as a punishment where equal suffering is inflicted. This is because the suffering, which is caused by a crime, is generally incalculable. If the harm, a crime causes is not quantifiable then how can equal harm be applied when inflicting punishment? Even then the exact suffering could not be 'reconstructed' as the suffering depends entirely on the circumstances. The example Green gives is that of hard labour. How can this, he asks, be in any way shape or form be equal to the robbery? It is this dilemma that Green used to his advantage. Green maintains that retributive elements form part of just punishment. The already difficult task of assessing the penalty must not be further complicated by adding to it the aim of trying to make the severity of the penalty proportional to the moral evil of the criminal. No such proportion can be established in any case.

The law, however, still needs to determine in which category each crime falls and fixes certain limits to the penalty. This is because the punishment should not be completely out of proportion with the right that is violated. The severity of the punishment is determined by this. This means: the more central the right the more severe the punishment. If it is seen in these terms, it could be said the greater the crime the harsher the punishment should be. 'It amounts to this, that the crime which requires most terror to be associated with it in order to its prevention should have most terror thus associated with it.' Green contends that a just punishment is one that in its proper nature is preventive. This does not mean that the retributive element is taken away from punishment. Although the punishment may not be physically equal to the crime the offender still receives his fair deserts. Punishment should not be 'preventive of any or every evil or by any and every means, but . . . justly preventive of injustice'.

This means that the state can only punish the offender for the crime that has been committed and not for anything else. Punishment looks back at the wrong done in the crime which it punishes; . . . in order to the consideration of sort of the terror which needs to be associated with such wrong-doing in order to the future maintenance of the rights.

He claims that punishment cannot be justified unless a real right has been violated. This means that Green would condemn the punishment of innocent people even if this deterred others from committing similar crimes. And that right has to be

intentionally violated. Once this occurs the punishment is justified and its objectives can be reached, as an innocent man cannot be deterred from doing an act he has not committed. How can one possibly judge an individual's acts not yet committed and remain just? Such a principle is open to abuse and justifications. Up to this point Green's concept seems to be more of a deterrence theory than a theory that is based on retribution. As mentioned, Green makes it quite clear that the first object of punishment is deterrence. However, the utilitarian's only objective is to deter people from causing harm and thereby disturbing the greatest happiness of the greatest number. Despite using deterrence as the main point of his concept, Green does give some examples that contradict this principle. He argues that to hang a man for sheep stealing does not satisfy the principle of just punishment. Even if this became a common problem this would still not justify such harsh punishment. If his were a purely utilitarian concept hanging a thief to deter others would be acceptable. Green, however, argues that 'a society where there was any decent reconciliation of rights no such terror as is caused by the punishment would be required for the punishment of death.' This shows that, despite having a deterrence theory, the punishment needs to accord with the right that has been violated. Green further maintains that a violation of rights must be punished. It can only be punished in the way which for the time is thought most efficient by the associating terror with its violation. This however, does not alter the moral duty, on part of the society authorising the punishment, to make its punishments just by making the system of rights which it maintains. The justice of the punishment depends on the justice of general system of rights.

The amount of punishment that is inflicted is the crucial part when determining whether a punishment is just or unjust. As stated above, the Kantian concept has the flaw that it is very difficult to actually determine what the physical equivalent of a violation of a right is. 'The amount of pain which in any kind of punishment causes to a particular person depends on his temperament and the circumstances, which neither a state nor its agent the judge, can ascertain'. The retributive approach also would actually not be just. So what does Green believe a just punishment is? As mentioned, a just punishment must have aspects of retributivism, deterrence and reform. The role that retributivism should play has been discussed above and not much needs to be added. In the case of deterrence one of the main questions that remain unanswered is that of who should actually be deterred by the punishment? Green maintains that the state punishes not only to punish the accused but to leave an effect on others. The amount of punishment should be prospective rather than retrospective. In case of a crime that has been committed a right has been violated. Therefore no punishment can undo what has been done or make good the wrong to the person who has suffered. Punishment can help reduce the occurrence of such crime with others. Therefore the reason for punishing someone is not for the sake of punishing that particular person but to create a fear in the minds of others to not commit such a crime in future. This object, unlike that of making the pain of the punishment commensurate with the guilt of the criminal, is in the main attainable.

This leaves only the aspect of reform. Green insisted that a punishment, in order to be effectively preventive and just, also needed to be reformatory. If the punishment is preventive then by its mere nature it should not only deter society from committing crimes but should deter the criminal too. If the criminal lays aside his criminal habits, the punishment has been preventative, just and reformatory. Reform is a desirable by-product of a preventive punishment. As the criminal has lost some of his rights due to his actions, it is desirable that he should be able to reform and thereby

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regain the rights he has forfeited. Dealing with the criminal in this matter, punishment will hopefully awaken him to the nature of his anti-social acts.

Finally, after examining Green's work on crime and punishment, it is possible to come to a conclusion on how successful Green's concept is in providing a theory of deterrence which also allows for the strength of retributivism and reform. It is not hard to see that Green's theory is one of deterrence. Numerous times throughout his text he states that the main objective is prevention. At the same time he argues that punishment must be just and by exploiting the flaws of the retribution theory and building upon them, he is able to make a strong case for a combination of the theory. The flaw identified is that it is very difficult to find the physical equivalent to the crime committed and therefore to find a just punishment. Green determines the amount of punishment by how the right has been violated. Green, like Kant, agrees that a fixed limit for each punishment must be set. Green, however, contrary to Kant, leaves some room for discretion on part of the judge. At the same, by using this model Green successfully irons out some of the flaws that make the deterrence theory unattractive; for example the punishing of innocent people as well as severely harsh punishments for minor violations. His theory is still mainly one of deterrence and although retribution is incorporated into it he has not followed the tradition of Kant. This, nonetheless, does not mean that he did not successfully improve the flaws of Kant's work as well as some aspects of the deterrence theory.

5.3.3 Political Obligation

The problem of political obligation is one of the most important issues of political philosophy. Green belongs to the idealist school of political obligation. It was T. H. Green in the idealist edition who declared that government cannot claim an unconditional obedience of its citizens. He argued that individuals owe their allegiance to society, not to the state or government. Accordingly, the organized power of society should be recognized as political authority for the purpose of determining political obligation. Green's concept of political obligation is based on his concept of the 'common good'. Green writes,

'To ask why I am to submit to the power of the state, is to ask why I am to allow my life to be regulated by that complex of institutions without which I literally should not have a life to call my own, nor should be able to ask for a justification of what I am called on to do. For that I may have a life which I can call my own, I must not only be conscious of myself and of ends which I present to myself as mine; I must be able to reckon on a certain freedom of action and acquisition for the attainment of those ends, and this can only be secured through common recognition of this freedom on the part of each other by members of a society, as being for a common good.'

The law of our being involves in its turn civic or political duties. Moral goodness cannot be limited or constituted by the cultivation of self-regarding virtues. It consists of the attempt to realize that moral ideal to us as our ideal. From this arises the fact of political obligation as the institutions of political or civic life are the embodiment of moral ideas in terms of our day and generation. We have a criterion by which to test these institutions since society exists only for the proper development of people. It is obvious that the final moral ideal is not realized in any civic institutions but the same analysis that demonstrates this points out the direction in which true development will take place. Due to this rights and duties should be formulated and be maintained by law, as opposed to those actually maintained. The state represents a 'general will' that

is a desire for a common good. Its basis is not a coercive authority that has been imposed on the citizens from without, but consists in the spiritual recognition on part of the citizens of that which constitutes their true nature.

He pointed out that it is society, not the state which is the pivot of the common good. Green is quite different from utilitarian view so far as the notion of human nature is concerned. Whereas utilitarian's treat human beings as a pleasure-seeking animal, Green holds that human beings do not seek pleasure as such. In his opinion, the rational basis of human activity is will or reason, not desire or passion. As self-conscious beings, man and women wish to realize the good which they grasp along with other members of the community. He further says that human beings do not identify their self-interest as distinctly as they identify the common good. Common good not only comprehends the good of all members of the community, but their conceptions of the common good are also identical. In his lectures on the principles of political obligations Green argued that the state itself is obliged to promote the common good as conceived by its citizens, and that individuals are obliged to obey only those laws which promote the common good. If individuals think that they will serve the cause of the common good by defying any command of the state, their political obligation does not prevent them from such defiance.

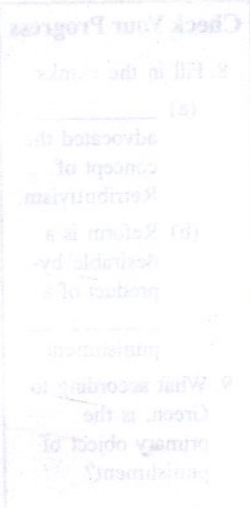
In Green's view, it is the consciousness of the common good which prompts human beings to accept their duties. They tend to sacrifice their self-interest for the sake of the common good for they realize that they can attain self-realization only as members of the community, not as separate individuals. The question of priority between the individual and the community is irrelevant because individuals have no existence outside the community, and no community can exist without its constituent individuals. The true basis of the community lies in each individual treating every other individual as an end in itself, because each member of the community is recognized as capable of pursuing ideal object. The true object of politics as well as of morality is to improve the moral character of the individuals. This should be the criterion of evaluation of any institutional law. In other words, each institutional law should enable the citizens to exercise their good will and reason in the conduct of their affairs. It is the moral nature of human being which postulates his freedom. Freedom requires all members of the community to have equal opportunity of self-development. It is the duty of the state to create such conditions that are conducive to human freedom. Green points out that law can force the individual to perform certain acts, but this would be external acts only. No law can make them moral because morality is dependent on something freely willed. Will, not force, is the very basis of the state, Green writes.

Green thus, emphasizes on the moral nature and capacity of human beings. The principal function of the state is to secure the common good as conceived and defined by its citizens. By recognizing the organized power of the community rather than the state as the object of political obligation, Green rules out the claim of any government to demand unconditional obedience from its citizens.

ACTIVITY

Discuss with your peers how relevant is Hegel's ideology in today's world. You could also refer to the Internet to find out the relevance of Hegel's ideology.

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DID YOU KNOW?

Hegel's theory of the state was the guiding force of the group known as the Young Hegelians, who sought the unification of Germany. His lectures on philosophy, religion, aesthetics, and history were collected in eight volumes after his death.

5.4 SUMMARY

In this unit, you have learnt that:

- In the entire tradition of western political theory of over two thousand years, no other thinker has aroused as much controversy about the meaning of his discourse as Hegel did.
- Hegel's works were difficult to dissect and because of the critical nature of his philosophy and the operation of the dialectics, the inner essence was always vulnerable to more than one plausible interpretation.
- The debate as to whether Hegel was a conservative, a liberal or a totalitarian continues till today.
- The credit of creating a philosophy of will, in the real sense, goes to Hegel.
- As a corrective to the extreme individualism of the seventeenth and eighteenth centuries, the Hegelian philosophy emphasized the organic nature of society and the fact that individuals had not only rights as over against other individuals but duties as well.
- Hegel's political theory contained all the essential elements of fascism, racialism, nationalism, the leadership principle, government by authority rather than consent, and above all the idealization of power as the supreme text of human values.
- The claim of Hegel that each sovereign state is sufficient for its members is the greatest danger to modern civilization.
- Hegel lacked proper understanding of the role of science in changing the societal process. His thesis was in itself a key expression of the history of his time and place.
- The Hegelian political philosophy goes beyond the idealism of Kant and of Fichte to embody a historical, evolutionary doctrine, which transforms the will into an aspect of pure abstract intelligence.
- Hegel rejected the instrumentalist conception of the state as a political community for the promotional and protection of individual aspirations and ambitions.
- The Hegelian state did not permit individual judgment or choice. It emphasized obedience.
- The basic problem with Hegel's liberalism was that it was ambiguous and placed a great deal of emphasis on the state.

Check Your Progress

8. Fill in the blanks:

- (a) _____ advocated the concept of Retributivism.
- (b) Reform is a desirable by-product of a _____ punishment.

9. What according to Green, is the primary object of punishment?

- Hegel was too authoritarian to be a liberal and too liberal to be authoritarian. He exerted considerable influence on subsequent political theory, particularly Marxism and existentialism. He is considered the philosophical inspiration for both communists and fascists.
- Thomas Green propagated the theory that ethics apply to peculiar conditions of the social life.
- Thomas Hill Green was an English philosopher, political radical and temperance reformer, and a member of British idealism movement that was born in Yorkshire, England in 1836. He was born on 7 April 1836 in Birkin, a tiny village in the West Riding of Yorkshire, where his father was rector.
- Green was influenced by the metaphysical historicism of G.W.H. Hegel. He was one of the thinkers behind the philosophy of social liberalism.
- Thomas was a frequent campaign speaker for the liberal party, served as member in several committees and commissions and was a prominent worker in the temperance movement.
- He was stricken with blood poisoning in 1882 and died at the age of 46.
- Most of his major works were published posthumously, including his lay sermons on *Faith and The Witness of God*, the essay *On the Different Senses of 'Freedom' as Applied to Will and the Moral Progress of Man*, *Prolegomena to Ethics*, *Lectures on the Principles of Political Obligation*, and the *Lecture on Liberal Legislation and Freedom of Contract*. His other famous book was *Lectures on Liberal Legislations and Freedom of Contract*.
- He also rejected the force theory of the origin of the state because it makes the force as the very basis of the state. The basis of the state not 'consent', neither it is force, but it is will. This conception of his becomes clearer when he analyses Austin's definition of sovereignty.
- Green further recognized that the various permanent groups with society have their own inner system of rights and that the right of the state over them is one of adjustment.
- The state, Green insists is the only source of actual rights. He says idea rights may be conceived which are not in the state; only when they are in it do they become rights. Green's state like Hegel's, is a community of communities, but again like Hegel's there is no questions but that it is supreme over all the communities it contains.
- Green believed that the state should foster and protect the social, political and economic environments in which individuals will have the best chance of acting according to their consciences.
- Green's views on punishment are essentially related to his theory of state action. In order to maintain conditions and remove obstacles, the state must positively interfere with everything tending to violate conditions or impose obstacles. It must use force to repeal a force which is opposed to freedom.
- According to Green, the primary object of punishment is not to cause pain to the criminal for the sake of causing it nor chiefly for the sack of preventing him from committing the crime again, but to associate terror with the contemplation of the crime in the minds of others who might be tempted to commit it.

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5.5 KEY TERMS

- **Dialectic method:** The method of argument for resolving disagreement that is central to Indian and European philosophy
- **Totalitarianism:** A political system where the state, usually under the power of a single political person, faction, or class recognizes no limits to its authority and strives to regulate every aspect of public and private life wherever feasible
- **Liberalism:** The belief in the importance of liberty and equal rights
- **Retributivism:** A policy or theory of criminal justice that advocates the punishment of criminals in retribution for the harm they have inflicted
- **Subserve:** Help to further or promote

5.6 ANSWERS TO 'CHECK YOUR PROGRESS'

1. Fill in the blanks:
 - (a) Stuttgart
 - (b) Modern idealism
2. True/False
 - (a) True
 - (b) True
 - (c) True
3. Fill in the blanks:
 - (a) Universal altruism
 - (b) Greek
4. Dialectic is a theory which explains how history is the story of the continuous development of the spirit.
5. Hegel's ideas of freedom was both objective and creative, and it outwardly expressed itself in a series of outward manifestations—first the law, then the rules of the inward morality; and finally the whole system of institutions and influences that make for righteousness in the national state.
6. Fill in the blanks:
 - (a) Birkin
 - (b) Benjamin Jowell
 - (c) Natural
7. Green considered state as an ethical institution essential to the moral development of man. Its primary purpose is to enforce rights, even by compulsion if necessary. Although natural and necessary but the authority of the state is neither absolute nor omnipotent. It is limited both from within and without.
8. Fill in the blanks:
 - (a) Kant
 - (b) preventive

9. According to Green, the primary object of punishment is not to cause pain to the criminal for the sake of causing it nor chiefly for the sake of preventing him from committing the crime again, but to associate terror with the contemplation of the crime in the minds of others who might be tempted to commit it. The future prevention of crime is the chief objective of punishment.

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5.7 QUESTIONS AND EXERCISES

Short-Answer Questions

1. What influenced Green's political philosophy?
2. Write in brief about the early life of Hegel.
3. Why was Hegel considered an idealist?
4. Hegel's dialectic method is the crux of his philosophy. Elucidate.
5. What was Green's concept of political obligation?

Long-Answer Questions

1. Explain Hegel's idea on the state and freedom of the individual.
2. According to Hegel, the state is an individual in history. Explain.
3. Discuss Hegel's concept of individual freedom in your own words.
4. Write a brief note on Green's idea of state.
5. Explain how Green interpreted the purpose of punishment.

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