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Alan Ryan: On Politics, Book Two Study Guide, 2014

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ALAN RYAN: ON POLITICS, BOOK TWO

STUDY GUIDE, 2014

Steven Alan Samson

PREFACE TO BOOK TWO

Outline

- A. THEME (403-405)
 - 1. Modern Institutions and Our Attitudes towards Them Emerged Gradually and Fitfully
 - a. Hegel: philosophy is essentially retrospective
 - b. Hobbes produced flashes of insight
 - c. Modern state's debt to the papacy
 - 2. Institutional Essence of the Papacy: Corporate Person
 - a. Canon law
 - b. Legal and administrative identity
 - c. *Corpus mysticum* [corporation]
 - 3. Territorial Identity of the Modern State Is Essential to It
 - a. Need to maintain **territorial integrity**
 - 1) Pericles
 - 2) Machiavelli
 - b. Foreign rulers
 - 1) Dynastic principle
 - 4. Arbitrariness of Periodization
 - a. Birth of the modern world
 - 1) Columbus
 - 2) Luther
 - 3) Galileo
 - 4) Gutenberg
 - b. Invention of reliable clocks (David Landes)
- B. INTRODUCTION TO HOBBS (405-408)
 - 1. Modern Ways of Thinking about Politics begin with Hobbes
 - a. Machiavelli's claim
 - b. Hobbes's claim rests on several distinct bases
 - 2. Concept of a **State of Nature**
 - a. Novelty of imagining a world without a state
 - b. Importance of the thought that the state is artificial
 - c. Incessant religious warfare had suggested the role of accident
 - d. Dimensions of the arbitrary
 - 3. Europe's Age of Exploration
 - a. Clash of cultures
 - b. Prepolitical condition was not a golden age of innocence
 - c. Europe had its own critics of the abuses
 - 4. New Scientific Understanding of the World
 - a. Aristotle's vs. Galileo's universe
 - 1) **Social hierarchy** not built into the nature of the universe
 - b. Divine right of kings
 - 1) Idea that all **order is a matter of fiat** [no natural hierarchy]
 - 5. Great Tradition of European Political Thought
 - a. The state seen as essentially the unifying element in a society
 - b. Contrast with classical political thought
 - c. Rise of political sociology

6. Idea that Man Is a Political Animal Has Become Less Compelling
 - a. *Homo faber* [man the maker]: creative or a drudge?
 - b. Rise of bourgeois comfort
 - c. The way is open to imagine the withering away of the state

Review

territorial integrity
order as a matter of fiat

state of nature

social hierarchy

CHAPTER 12: THOMAS HOBBES

Outline

- A. MODERNITY (411-413)
 1. Question of Priority as the First Modern Political Thinker
 - a. Hobbes vs. Machiavelli
 - b. Grounds for skepticism
 2. The Case for Hobbes
 - a. Machiavelli was essentially a backward looking figure
 - 1) His ideas about what made Rome a success
 - 2) His contemporaries copied art but not great men
 - 3) History as a storehouse of exempla
 - b. Hobbes had a clear sense of the difference between the civilized and the uncivilized worlds
 - 1) Greater knowledge and technical prowess
 3. Two Arguments for Machiavelli
 - a. Announcement of the autonomy of politics
 - 1) Earlier works judged by transcendental standards
 - 2) Success seen as a matter of technique
 - b. Break with natural law
 - 1) Invention of a brutal *raison d'état*
- B. LIFE AND TIMES (413-416)
 1. Greatest of British Political Thinkers
 - a. Boldest writer on politics in the English language
 - 1) Reference to Luther's assertion that the devil should not have all the best tunes, so he wrote his own
 2. Circumstances of Hobbes's Birth
 - a. Twins: Hobbes and fear
 3. Oxford
 4. Cavendish Family: Earl of Devonshire
 - a. Translation of Thucydides
 5. Flight into Exile
 - a. Tutor to the Prince of Wales
 6. Leviathan
 - a. Execution of Charles I
 - b. Defense of absolute authority
 - c. Amnesty by the Protectorate
 7. The Restoration
 - a. Court life
 - b. Accusation of heresy
 - c. Return to Chatsworth
- C. THE FIRST POLITICAL SCIENTIST? (416-420)
 1. New Science of Politics

- a. Earlier historians and rhetoricians
 - b. Chief obstacles to genuine political science
 - 1) Desire to revive classical republics and Roman *libertas* [as did Machiavelli]
 - 2) Desire to derive political authority from religion [cf. Robert Filmer]
- 2. Two Revolutions
 - a. English Civil War
 - 1) Argument in the Leviathan
 - b. Scientific Revolution
 - 1) Bones of contention
 - 2) Political prudence
- 3. Complexity of Hobbes's Intellectual History and Allegiances
 - a. Literary work
 - b. Study of optics
 - c. Events led him to political theory
- 4. Political Science Praised at the Expense of Prudence
 - a. Prudence
 - b. Later defenders of classical statecraft: Sir James Harrington and David Hume
 - c. Critique of **republican theory on tyrannicide**
- 5. Ambivalent Reaction to Historical Writing for Political Purposes
 - a. Dangers of democracy
 - b. Rhetoric allowed to substitute for thought
 - c. It is logical cogency that makes science
- 6. Earlier Books
 - a. *Elements of Law*
 - b. *De cive*
 - 1) Unauthorized translation in 1647
- 7. Leviathan
 - a. Astonishing philosophical insights
 - b. Human beings as complicated mechanical systems
 - c. Absolute character of **sovereignty**
- 8. Contemporary Reactions
 - a. Oliver Cromwell: swearing of allegiance (cf. test oaths)
 - b. Hobbes's answer
 - 1) Purpose of sovereign political entity is to secure the safety of its subjects
 - 2) Charles's defeat released his subjects
- 9. Hobbes's Notion of Consent
 - a. Other justifications of authority
 - b. Counterintuitive view of free **consent** [cf. Jack Benny's joke: Robber: "Your money or your life!" Benny: "I'm thinking! I'm thinking!"]
- D. **LEVIATHAN AND SCIENCE** (421-424)
 - 1. Hobbes's Conception of Science
 - a. Not Aristotelian view of science
 - b. Post-Galilean view
 - c. Analytical approach
 - 1) Watchmaker analogy
 - d. Science of constructing a perfect state
 - 2. Account of Human Nature
 - a. **Introspection**: Read thyself [cf. Socrates: "Know thyself"]
 - b. **Passions** (desires, aversions) are distinguished from their objects
 - 3. Question of Hobbes's View Whether We Have Scientific Knowledge of the Physical World
 - a. Three familiar views
 - 1) It is well-founded opinion
 - a) Geometry is the only science with which the Creator saw fit to bless us

- 2) It is ideally like our knowledge in geometry
 - 3) There can be only one physics, but Hobbes contradicts this view
- 4. Hobbes's Methodological Convictions
 - a. Principles for constructing a commonwealth
 - b. Hobbes rejects Aristotle's rule of thumb approach
- 5. True Science Is Founded on **Definitions**: Imposition of Names
- 6. A Focus on Rules Is Required to Understand Political Questions
 - a. What reason requires
 - b. Comparison with Plato's search for definitions
 - c. Analogy to economics
- E. HOBBS ON HUMAN NATURE (424-426)
 - 1. Account of Human Nature Given for Both Official and Unofficial Reasons
 - a. Official: We must know the nature of the parts of the artificial man [cf. Plato's macrocosmic approach in *The Republic*]
 - b. Unofficial: His application of his imagination to understanding the plight of self-maintaining physical systems in a state of nature
 - 1) **Hobbesian problem of order**
 - 2. Human Beings as Well-Endowed Natural Automata
 - a. Hobbes's exasperated commentary on the nonsense of the Schoolmen
 - 1) His uncompromising materialism and nominalism [the idea that "universals" are merely names we give to abstract concepts]
 - 2) Reason is the capacity to calculate consequences
 - 3) Unmeaning
 - 3. Speak of God
 - a. What lies beyond experience is literally inconceivable
 - b. Question of honoring God
 - c. Implications for religious liberty
 - 4. Particularity of Everything in the World [Reality is Plural, Not Unitary]
 - a. Everything universal is verbal [an expression of his nominalism]
 - b. There are no essences
 - c. Reasoning is social as well as individual
 - 5. We Reason for the Sake of Successful Living
 - a. Hobbes despised Aristotle's ethics and politics
 - b. But he appropriates many of Aristotle's views
 - c. Absurdity of Aristotle's system
 - d. Rejection of **teleology** [the idea of purpose-driven reality]
 - 1) We have no proper or natural ends
 - 2) We inscribe values on nature, not the reverse
- F. GOOD AND EVIL (427-430)
 - 1. Hobbes's Subjective Account
 - a. "Good" is what we desire
 - b. Happiness
 - c. Success
 - d. Aristotle's ultimate good [*summum bonum*] has no application to the real world
 - 2. The Reason Is That We Are Physical Systems
 - a. **Mutability of Desire**: Felicity of this life is mutable
 - b. **Second-order desires**
 - 1) Benevolence
 - 2) Security
 - 3) Traditional common good replaced
 - 4) We do not converge on a common goal
 - 3. Hobbes's **Analysis of Pride**: First Powerful Thought
 - a. Integral standard of well-being
 - b. Desiring others' envy [a way of self-glorification or validating one's own desirability; cf. Girard on the deliberate provocation of mimetic rivalry; cf. G. K. Chesterton's *The Sins of Prince Saradine*, which also illustrates Ps. 73 and 37]

- c. Vain glory
 - 1) Leviathan's ruler over the children of pride
 - d. Political arrangements must subdue pride
 - 4. Pride Must Yield to its Opposite
 - a. **Self-preservation** is the overriding imperative
 - 1) **Natural equality** of all mankind
 - a) There is not natural right to rule
 - b) The crown is the fount of honor
 - 5. Hobbes's Inversion of Aristotle's Search for the *Summum Bonum*: Second Powerful Thought
 - a. Worst evil is death (***summum malum***)
 - 1) Self-murder is insane by definition
 - b. Inversion of much of Aristotle's *Politics*
 - c. Men form communities out of an unsociable fear of one another
 - 6. **Purpose of the State**
 - a. Commodious living
 - b. Aristotelian goods are products of the state's existence
 - c. Hobbes repudiated the idea that nature had any purpose for us
- G. THE STATE OF NATURE: THE WARRE OF ALL AGAINST ALL (430-432)
- 1. Secular Account of Religion
 - a. Language allows to record and anticipate experiences
 - b. Natural basis of religion: anxiety about causes
 - c. God as the first cause
 - d. Religion is a matter of law
 - e. Overreaching of priests
 - 2. Disbelief Is Foolish, Not Sinful
 - a. **Fear** is the motive to rely on
 - 1) It turns us into law-abiding citizens
 - 3. Mankind in the State of Nature
 - a. It is a theoretical construct, not a historic condition
 - 1) Power is the capacity to control future events
 - 2) Power over people
 - 4. **Restless Desire for Power** Upon Power That Ceaseth Only in Death
 - a. We acquire power to protect ourselves
 - b. Must have moderate aims in life
 - c. Secure people will not seek to dominate others
 - 1) Insecure people will be forced to try for the sake of survival [Implication: We should be wary of those that are power-hungry]
 - d. Power is comparative
 - e. Arms race
 - f. Innumerable sources of power
 - 1) Riches, wisdom, honor [cf. Max Weber's types of authority: traditional, charismatic, and bureaucratic]
- H. WARRE (432-435)
- 1. The Natural Condition of Mankind
 - a. The miseries of life without government
 - 1) Want of a common judge
 - b. Property ownership
 - c. Absent government, everyone has the right to everything
 - 1) Absence of a mechanism for allocating determinate rights
 - 2) What we are forced to do in the absence of that common judge
 - 2. **Three Causes of Quarrels**: Competition, Diffidence, Vainglory
 - 3. Competition
 - 4. Diffidence
 - a. Logic of interaction between self-interested individuals
 - 1) Use of Hobbes by mathematically-minded strategic thinkers

- b. All of us are vulnerable to murder
 - c. Most effective way of disabling another is to kill him
 - d. Preemptive strike
- 5. Mutually Assured Destruction (MAD)
 - a. First strike
 - b. Second strike capability
 - c. Alliances with more powerful states
- 6. Societies of Strangers
 - a. Families and tribes
 - b. Strangers may not acknowledge the rules of forbearance
 - c. English Civil War
- 7. Pride [Vainglory]
 - a. Competition can be assuaged
 - b. Fear may be reduced
 - c. Pride makes men overestimate their capacities and take foolish risks
 - d. **Cures for pride**
 - 1) Make the sovereign the fount of honor
 - 2) Repress its expression
- I. THE LAWS OF NATURE (436-438)
 - 1. State of Nature
 - a. **Original innocence**
 - b. Same emotions and intelligence can secure peace
 - 1) We need rules
 - 2) Laws of nature
 - 2. Laws of Nature Are the Theorems, Not Commands
 - a. Hypothetical reasoning
 - b. Imperatives we address to ourselves
 - 3. Their Basis Is the Preservation of Mankind
 - a. **First law of nature** commands us to seek peace
 - b. The first right is to use war in the absence of peace
 - c. Danger of following rules that other disregard
 - d. Selfishly, we need others to obey the rules
 - e. Callicles, Thrasymachus, Glaucon
 - 4. Free-Ride Problem
 - a. Two sense of selfishness
 - 1) Egocentric
 - 2) Instrumental (conditional or for earning credit from others)
 - b. Self-centeredness is not inconsistent with benevolence
- J. OBLIGATION (438-440)
 - 1. Ascending and Descending View of Authority
 - a. God's authority
 - b. Earthly authority based on individual consent
 - c. **Second law of nature:** Balancing of liberty
 - d. **Third law:** Fulfill obligations
 - 1) Self-imposed by contract or covenant
 - 2. Injustice Is Illogical
 - a. But Hobbes does not go far enough: It is not self-contradictory, it is wicked
 - 1) It is the essence of deceit, not a defect of logic
 - 2) *Pacta servanda sunt*
 - b. Promises must be taken seriously
 - c. Greater problem: Critics hold that the covenant cannot oblige [obligate]
 - 3. The Critics Are Wrong: Hobbes Held Two Views in Tension but Not at Odds
 - a. Covenants always oblige in *foro interno* [We must be willing to do what we have promised]
 - 1) Absence of government may excuse in *foro externo* [we may be willing but are not able; Locke addresses the same problem]

- b. First law of nature always obliges
 - c. Second law is easy to obey on equal terms but difficult if it exposes me to attack by others
- 4. The Laws of Nature **Bind Us to Promote Peace**
 - a. They are not conditional
 - b. The **escape from the state of war** depends on our contracting with one another
 - c. Obligation to obey the laws of God
 - d. Obligation to obey human law is contractual
 - 1) Injustice is the breach of such an obligation
 - e. Two consequences
 - 1) Nothing the sovereign does can be unjust
 - 2) Our obligation to governments are freely undertaken
- K. SOVEREIGNTY (440-447)
 - 1. Institution of the Sovereign
 - a. **Covenant** of every man to transfer rights and take sovereign's word as law
 - b. Sovereign is an **artificial person** that **represents** us all
 - c. Sovereign may behaved badly but cannot be unjust [sovereignty defines justice]
 - d. It should be unlawful to speak of tyranny
 - e. There is no legal system unless nearly all accept it as **legitimate** (obligatory)
 - 2. Covenant Not Created by the Sword
 - a. Sword removes my excuse for non-compliance
 - b. What sustains the government is the willingness of the citizenry to support it
 - 3. Unique Source of Law
 - a. Opposition to **divided sovereignty**
 - 1) No legal constraints on the sovereign
 - b. **Republican Tradition**
 - 1) Special role of founders
 - c. Hobbes dismisses such issues
 - d. Underlying our vertical allegiance is a horizontal allegiance to fellow citizens
 - 4. Two Sorts of Sovereign
 - a. By institution: Created out of a state of nature
 - b. By acquisition
 - 5. Sovereign by Acquisition
 - a. Simply choice: Obedience or death
 - b. Bargain is made freely
 - 1) A promise made out of fear is no excuse to break it
 - 6. Sovereign Is Not Bound by Any Promises Made to Subjects
 - a. **We give up all the rights** we can transfer to the sovereign
 - 1) We covenant with one another, not with the sovereign
 - b. We put ourselves under obligation to obey our rulers
 - 1) We are not born into obedience
 - 2) Sovereign may rightly treat those as enemies who do not engage to obey
 - 7. Duties of Sovereigns
 - a. Nature of life under law
 - 1) What the sovereign commands as law is law
 - 2) "Pedigree" theory of law [legal positivism looks at whether the forms have been respected]
 - b. Sovereign must be one, indivisible, and absolute
 - 1) Existence of the United States suggest other possibilities
 - 8. Concessions to Constitutionalist Ideas
 - a. Is Hobbes a proto-liberal?
 - b. Natural rights are given up
 - 9. Hostility to "Free Institutions"
 - a. No right to be represented
 - b. Freedom consists in the silence of the laws
 - 10. **Negative Conception of Liberty**

- a. The protoliberal element in Hobbes
 - 1) Governments should enact as few laws as possible
 - 11. Rulers Should Behave as if a Liberal Constitutional Order Were in Place on Instrumental Grounds
 - a. What we need is two forms of assistance
 - 1) Protection against force and fraud
 - 2) Helpful commercial laws
 - b. English land register advocated
 - 12. Advocacy for a **Minimal Welfare State**
 - a. John Aubrey's story about Hobbes giving alms
 - b. Need to avoid pointless misery
- L. THE CHRISTIAN COMMONWEALTH (447-449)
- 1. Awkwardness in this Discussion
 - a. Historical context
 - 1) Zealots and enthusiasts
 - 2) Hobbes's **mortalism**
 - b. Whether a Christian commonwealth makes any difference
 - 2. Argument that Religion Grew out of Anxiety
 - a. Uncaused cause
 - b. Natural theology dismissed
 - c. Regulation of religion
 - 3. Self-Proclaimed Prophets
 - 4. Orthodoxy Is for the Sovereign to Define
 - a. A wise sovereign contents himself with outward conformity
 - 1) He does not ask men to play "heads or tails" for salvation
 - b. Hobbes's mixed feelings about the Authorized Version of the Bible
 - 5. Sovereign's Authority over Christian churches
 - a. Mutual animosity with the bishops
 - b. Denial of Christ not regarded as a mortal sin [In this, he rejected Donatism]
 - c. Sovereign wields both sword and scepter
- M. CONCLUSION (449-452)
- 1. Argument for Unlimited Authority in the State but Exercise with a Light Touch
 - a. Religion is a question of law, not truth
 - b. Question of whether this is religious skepticism
 - c. Difficulty of believing in disembodied souls
 - 2. A Last Riddle
 - a. What he regarded as *Q.E.D.* [demonstrated]
 - b. Unkind critics
 - 1) John Locke
 - c. Possibility of a virtuous circle
 - 3. Difficulty Comes with a Less Competent Sovereign
 - a. Hobbes had no answer
 - 1) He weighted the scales against self-help to an absurd degree
 - b. The difficulties of resistance within Hobbes's strictures
 - 1) Logic of forming alliances
 - 2) Luther's practical view
 - c. Being thrown back into a state of nature
 - 4. Only Authority over the Sovereign is that of Conscience and God
 - 5. Hobbes's Achievement
 - a. Most compelling picture of the political predicament
 - 1) The considerations for and against confiding more authority on the government

Review

tyrannicide

sovereignty

consent

introspection	passions	definitions
Hobbesian problem of order	teleology	mutability of desires
second-order desires	analysis of pride	self-preservation
natural equality	<i>summum malum</i>	purpose of the state
restless desire for power	three causes of quarrels	cures for pride
original innocence	laws of nature	their purpose
covenant	sovereign as artificial person	divided sovereignty
republican tradition/founders	we give up all rights	negative conception of liberty
minimal welfare state	mortalism	

CHAPTER 13: JOHN LOCKE AND REVOLUTION

Outline

- A. THE GLORIOUS REVOLUTION (1688-1689)
 1. Locke's Early Life
 - a. Son of a Puritan lawyer
 - b. Oxford
 - c. Authoritarian views changed after a visit to the continent
 2. Study of Medicine
 - a. Respect for careful observation
 - 1) Anti-rationalist view of *Essay concerning Human Understanding*
 3. **Earl of Shaftesbury**
 - a. Locke's surgery
 - 1) Shaftesbury's "tap"
 4. Issue of Religious Tolerance
 - a. Shaftesbury converted Locke
 - b. *Cuius regio, eius religio*
 - c. Charles II's willingness to grant concessions
 - d. Dissenters' unwillingness
 5. Locke as Confidential Secretary
 - a. Secretary to the Board of Trade
 - b. Conflict with **Charles II** over his ties with Louis XIV
 - 1) Treachery in the **Treaty of Dover**, 1672
 - c. Duke of York
 - d. **Exclusion bill**, 1679, to prevent James from succeeding Charles
 - e. Risk of judicial murder
 - 1) Stephen College
 6. Shaftesbury's Support Unraveled
 - a. Rejection of the exclusion bill
 - b. His flight to Holland
 - c. Discovery of the **Rye House Plot**
 - 1) Execution of Algernon Sidney
 - 2) Locke also leaves
 - 3) Monmouth Rebellion
 7. **James II** (former Duke of York)
 - a. Preparation for a French invasion
 - b. Attempt to flee
 - 1) Great seal thrown into the Thames
 8. Locke's Return
 - a. His fame
 - b. U.S. Constitution
 9. Assessment
 - a. Received view that he epitomized liberal virtues

- b. Supporter of capitalist revolution and conspirator against Charles II
- B. THE POLITICAL WRITINGS (457-460)
 - 1. The Two Treatises
 - a. Demolition of **Robert Filmer's** *Patriarcha*
 - 1) It had been exhumed as a propaganda weapon
 - 2) Algernon Sidney's critique of Filmer
 - 2. The Second Treatise
 - a. Challenge to commentators
 - 3. Its Incendiary Character
 - a. It does not incite but it does give permission to resist
 - 4. Locke was Evasive about His Authorship
 - a. He acknowledged his *Essay concerning Human Understanding*
 - b. Locke wished to establish the throne of **William III**
 - c. House of Orange, not regarded as the legitimate line
 - 1) Thus Anne, a Stuart like Mary, succeeded after William's death
 - 5. William III Chosen by Parliamentary Consent
 - a. Convention Parliament of 1689
 - 1) It refused to set itself up as a constituent (constitutional) assembly
 - 2) Disrepute of the earlier republican experiment
 - b. James II was condemned for having attacked the ancient liberties
 - 6. William brought an army
 - a. Locke's position was more radical than that of Parliament
 - 1) Richard Price
 - b. Edmund Burke regarded James II as having abdicated
- C. THE SECOND TREATISE (460-464)
 - 1. Premise: Men Are Born Free and Equal
 - a. Its glaring falsity as a statement of how we come into the world
 - 1) We are born helpless and dependent
 - b. Plausibility of Filmer's *Patriarcha*
 - 1) Our parents are our first authority
 - 2) Birthright
 - 3) Naturalization
 - 2. Locke's Purpose
 - a. Shorthand for the claim that political arrangements are artifices
 - 1) They must be justified by human purposes
 - b. **God's sovereignty**
 - 1) His rightful authority
 - c. Locke's hatred of a human claim to absolute authority
 - 1) It is blasphemy
 - d. Religious reasons for taking a secularist anti-absolutist line
 - 3. Political Relationships Depend on Agreement or Convention
 - a. Doctrine of government by **consent of the people**
 - b. Definition of political power
 - c. It exists to secure men's **property** ("lives, liberties and estates")
 - 1) Governments exist to protect and secure the rights of the subjects
 - 2) A person without rights is a slave
 - d. Absolute and arbitrary authority is inconsistent with political authority
 - 4. Protection Is for Our External Goods
 - a. Negatively: government has no concern with spiritual matters
 - b. Positively: we are free to lead our spiritual lives unmolested if our eternal liberty is secure
 - 1) State protects our right to form **voluntary associations**
 - 2) Except Catholics
 - 5. This Gives Us the Resources for an Account of Limited Constitutional Government
 - a. Setting limits
 - b. Political authority framed within natural law

- c. His earlier lectures on **natural law**
 - 1) Mankind is not of one mind about the nature of the moral virtues
- 6. Denial of a *Jus Gentium* [law of nations]
 - a. Its doubtful connection with *jus naturae* [natural law] or the *lex divina* [divine law]
 - 1) Uncertain implications
 - b. Need for honesty, keeping agreements, and caring for children
 - c. Locke involves God as the creator and legislator
- D. NATURAL LAW (465-467)
 - 1. Reason Tells Us That There Is a Natural Law and What It Is
 - a. Belief in God as lawgiver is required
 - b. Natural theology
 - c. We are intended to use our gifts to flourish [cf. Bastiat on God's gifts]
 - d. Teleological understanding of human nature (more like Aristotle than Hobbes)
 - 2. Question about Other Moral Systems
 - a. Locke's morality grounds obligation in belief in a divine lawgiver
 - 1) **Toleration** is extended to deists but not atheists
 - b. Secular moralities
 - 1) Utilitarianism: tension between morality and self-interest
 - c. No tension between morality and self-interest for Locke
 - 3. Locke's Moral Individualism
 - a. He did not regard our earthly life as a sacrifice for the sake of eternal bliss
 - b. How his morality resembles Aristotle's
 - c. Differences: Locke's moral individualism
 - d. Work ethic
 - 4. Fear That Modern Liberal Democracies Are Living on the **Borrowed Moral Capital** of a Lockean Religious Ethic
 - a. View of optimists
 - b. Human rights consensus
 - 1) Question at the ultimate metaphysical foundation
- E. THE PEACEFUL STATE OF NATURE (467-470)
 - 1. Law of Nature
 - a. Boundaries of political legitimacy
 - b. Rules of conduct
 - 1) Difference with Hobbes
 - c. Locke: violations permitted only when our lives depend on it
 - d. It is not simply a choice between despotism and chaos
 - 2. Rulers Acquire No Rights That Are Not Already in the Law of Nature
 - a. **Nemo dat quod non habet** [People cannot grant powers they themselves lack]
 - 1) Ruler is legitimate when authorized by the whole people
 - b. No government possesses absolute and arbitrary power over its subjects
 - 3. A Difficulty: the Right to Punish
 - a. Right to inflict the **death penalty**
 - 1) Inherent right to punish breaches of the law of nature
 - b. State of nature is a juridical state in which each person has judicial authority
 - 4. **Duty to Punish: Difficulties**
 - a. Problem of motivation
 - b. Strictness or lenience of judgment
 - c. Organizing judgment
 - d. Government is the solution
 - 5. Transfer of this Right to a Conventionally Recognized Authority
 - a. Distinction between revenge and punishment
 - 6. Origin of a Government's Right to Regulate Traffic
 - a. Traffic regulations are not a natural right of individuals
 - b. Remediating inconveniences
 - 1) **Legitimacy** rests on the rights we transfer to our rulers
 - 2) Government's purpose is to protect the property of each of us

- c. Meaning of property in our persons
- F. PROPERTY (470-472)
 - 1. Two Distinctions
 - a. Locke's vs. our conception of property
 - 1) Rights of ownership vs. other rights
 - 2) Transfer of property
 - 3) We cannot transfer religious liberty or immunity from physical abuse
 - 4) Our propriety gives us a stake in the world
 - 5) Children
 - b. Locke's vs. our conception of what property embraces
 - 1) Question of the absolute control of the owner
 - 2) Property in our persons excludes other claims to ownership
 - 2. Only God Has Absolute Ownership of Us
 - a. Locke's view
 - 1) We have **no absolute discretion**
 - 2) We have a **lease in ourselves**
 - 3) We have no right to misuse or abuse what God has given us
- G. FILMER (472-474)
 - 1. We Are **Stewards** of God's Donation
 - a. We are accountable for our employment of it
 - b. Consideration of the institution of government is postponed
 - c. First Locke settles account with Filmer
 - 2. Filmer's **Defense of Absolute Monarchy**
 - a. Power descends by inheritance from father to oldest son
 - b. Tiny, independent kingdoms
 - 1) Locke argued that this pooled power was not absolute and arbitrary
 - c. Filmer relied on the Roman *patria potestas*
 - d. What gave purchase to Filmer's argument
 - 1) Inconstancy and incompetence of popular government
 - 3. Attractiveness of Patriarchal Authority
 - a. Its props or supports in Locke's day
 - b. Locke's alternative was difficult to imagine
 - c. Absurdity of property ownership in the absence of a government
 - d. Conflation of biblical and secular history
 - 4. Assumptions that Lend Plausibility to Filmer's Analysis
 - a. Locke's First Treatise was overkill
 - 1) Charles II was not Adam's heir
 - 2) Adam received only limited powers of stewardship
 - b. Authority over children is limited
 - c. Property rights are limited
- H. CONSTRUCTING LEGITIMATE GOVERNMENT (474-475)
 - 1. State of Nature Assumption
 - a. This state is defined relationally
 - 1) Example: the woods of America
 - b. Locke's far-reaching claims
 - 1) It is a social state
 - a) Differences with Hobbes and Rousseau
 - 2) It is governed by the laws of nature
 - 3) Property would be possible
- I. OWNERSHIP (475-482)
 - 1. Legitimate Property Rights over External Objects in the State of Nature
 - a. God gave the world to mankind in common
 - b. Legitimate way for taking one's share from the common stock
 - 1) Thomas Aquinas' view
 - c. Objection: asking permission
 - 2. Analysis of the Idea of Holding the World in Common

- a. Positive vs. negative community
 - b. Locke's view
 - 1) Mankind has a collective interest in its proper use
- 3. Acquisition of Rights by Simple Appropriation
 - a. Locke's **labor theory of value** [later adopted by Karl Marx]
- 4. Definition of Labor
 - a. It must be productive
 - 1) Water dipped from a stream
 - b. Two further considerations
 - 1) Shortages reduce our share
 - 2) Legitimate purpose
 - c. Three **tests for legitimate ownership**
 - 1) Acquired labor
- 5. Extent of Property Rights
 - a. What we cannot be deprived of without our consent
 - 1) Arbitrary taxation
 - b. Transfer of property
 - 1) Rights also transfer
 - 2) Bequests
 - c. We acquire individual property rights without consent from others
 - 1) Rights over the property is others is conferred by necessity
 - 2) Our **superfluity** is theirs [cf. Old Testament gleaning]
 - 3) Those who can labor have not claim to assistance
 - d. Creation of a welfare state is not excluded
- 6. **Why We Should Wish to Leave the State of Nature**
 - a. No need for government if we could all follow simple moral rules
 - b. Needs of a developed economy
 - 1) Uncertainty and insecurity
 - c. A world of equal poverty
 - d. The golden age of the poets
 - e. Rational people would move to agriculture and commerce
- 7. **Productivity as a Defense of the Lawfulness of Landed Property**
 - a. Mixing labor with what we own
 - b. Making land fruitful adds to the common stock
 - c. What we consume embodies a lot of human labor; land ownership makes this possible
 - d. Employment of landless laborers
- 8. Agrarian Radicalism
 - a. Agrarian capitalism seen as an enemy to the landless laboring class
 - b. Demand for periodic redistribution or supersession of private rights by common ownership
 - 1) Rousseau
 - 2) Gracchus Babeuf
 - c. Locke: **Right to acquire a living**
 - 1) God wishes us to flourish
 - 2) The transformation benefits even the day laborer
 - d. It fails to explain why the worst off do most of the work
- 9. **Creation of Money**
 - a. Durables as proto-money
 - b. Money defined functionally
 - 1) Fancy value
 - 2) Money is conventional
 - c. Complexities would defeat a market economy in a state of nature
- 10. Locke's Antipathy to Slavery
 - a. Legitimate farms
 - b. Man-hunting is unlawful

- c. Aristocratic estates
 - d. Land not given to the fancy or covetousness of the quarrelsome
- J. SETTING UP THE STATE (482-488)
 - 1. The Role of Government
 - a. Brevity of the list
 - b. Its authority is limited by the needs of its subjects
 - 1) Protection of rights, clarification of duties
 - c. Parental rather than patriarchal rights
 - d. Authority is not arbitrary even where absolute
 - e. **Theory of limited government**
 - 2. Institution of Government as a Two-Stage Process
 - a. *Pactum communis*
 - b. *Pactum subjectionis*
 - c. Old vision of Justinian and Bartolus
 - d. Analogy to employer and employee
 - 3. Consent of the Governed
 - a. Skein of conventions
 - b. Duties to government are not voluntarily undertaken
 - c. Consent to commerce or marriage
 - 4. Consent as the Basis of Government
 - a. Reign of William III
 - b. Pledge to uphold laws and liberties
 - c. **Consent is given on terms**
 - 5. Locke's Claims about Consent
 - a. Historical claim about the origin of government
 - b. Formation of peoples
 - c. Filmer's Theory
 - d. Contra Filmer: Authority by consent
 - 6. Natural Rules Had to be Supplemented by Conventional Rules
 - a. **Conventions** are kept alive by consent
 - 1) Currency must be credited with purchasing power
 - 7. Consent Tied to Obligation
 - a. Express vs. tacit consent
 - b. Presumption that We Agree to Obey
 - c. Requirement to "engage" in Cromwell's England
 - d. Pledge of Allegiance
 - 8. Complaints against the Idea of Consent
 - a. Hobbes's view
 - b. Locke's view
 - c. Cromwellian choice
 - d. Tacit consent
 - e. Hume
 - 9. Question of the Distinction Being Made
 - a. Resident aliens
 - b. Obedience does not naturalize them
 - c. Only citizens owe a distinctively **political allegiance**
 - 1) John Rawls
 - 10. Abandonment of Allegiance
 - a. Locke's fear of kidnapping and judicial murder
 - b. Vietnam draft dodgers
 - 11. Locke was Casual about Forms of Government
 - a. **Richard Hooker** [Thomas Hooker led Connecticut and helped draft the Fundamental Orders of Connecticut]
 - b. Majority decision-making
 - 1) Marsilius
 - c. Legislative function: most important

- 1) Parliamentary sovereignty
 - d. Constitutional details are a matter of prudence
 - e. Unwritten understandings for interpretation
- K. REVOLUTION (488-491)
 - 1. The Doctrine That Would Have Cost Locke His Life
 - a. Aristotle
 - b. Machiavelli
 - c. Tradition of Augustine
 - 1) Departure from the Pauline tradition
 - 2) The Powers That Be are instituted by a social contract; they hold their power as a trust from the people
 - d. Point of a revolution is a **renovation of the constitution**
 - e. Locke reversed Hobbes
 - 2. Government Possesses Authority Only within Constitutional Bounds
 - a. Declaration of war on the citizens
 - b. Right to resist and reconstitute
 - c. It is almost always a government that starts a revolution
 - d. Popular fear of disorder
 - 3. **Appeal to Heaven**
 - a. Trial and execution of Charles I
 - 1) Horrified reaction
 - b. William Barclay
 - 1) Admission that an unjust king abdicates
 - 2) Can he be made to abdicate?
 - 4. If Resistance Is Permissible, Then Those Who Resist Must Be Ready to Use Force
 - a. *Salus populi suprema lex est*
 - b. Law of nature must stand behind positive law
 - c. Revolution does not over turn the political community
 - 1) **Two-stage account** of the social contract
 - 2) Evicting a government and installing another
 - 5. Locke's Incomplete Radicalism
 - a. Need for stability
 - b. Measured, controlled, but violent act
- L. TOLERATION (491-496)
 - 1. The Crown's Right to Establish Forms of Worship
 - a. **No right to command unbelief**
 - 1) Regulation of things indifferent
 - b. Locke's earlier view about dissenting sects
 - c. Dutch toleration
 - d. Limits on royal prerogative
 - 2. Circularity of His Argument
 - a. *Letter concerning Toleration*
 - 1) Definition of **church**: A **voluntary association**
 - 2) Excommunication of dissidents
 - 3) Revocation of the Edict of Nantes, 1685, by Louis XIV
 - b. *Curat Deus injuria Dei*
 - 3. Two Forms of Authority That Have No Reason to Interfere with Each Other
 - a. State is a compulsory organization
 - b. Separation of church and state
 - 1) State will protect the interests of the church as a corporate body
 - c. Restrictions on what can be done in worship
 - 4. Restrictions and Interference with Liberty
 - 5. Locke's Exceptions
 - a. Atheism
 - b. Roman Catholic Church
 - 1) Hobbes's toleration

- 2) Papal excommunication of kings and release of subjects from obligations
[This happened specifically during the Investiture Contest c. 1075-77 when Pope Gregory VII excommunicated Emperor Henry II, who Saxon nobility seized the opportunity to oppose him]
 - 3) Attempt by Charles II to betray his country
 - 4) Locke took religion as religion more seriously than Hobbes
- 6. Locke is a Deceptive Writer
 - a. We read him as we would read a contemporary
 - b. His transparency may blind us to the vitality of a **remodeled republic tradition** [i.e., a more liberal version of the republican idea]
 - c. Two strands of thinking
 - 1) Republicans [as opposed to classical liberals] are too little concerned with rights against government
 - d. French Revolution
- 7. Critics of Democratic Theory
 - a. Republican Athens executed Socrates
 - b. Hobbes' freedom: **Silence of the law**
 - c. Reconciling liberty of citizens with liberty of subjects
 - d. Skeptical view
 - e. Hope to prove the skeptics wrong

Review

Earl of Shaftesbury	Charles II	Treaty of Dover
Exclusion Bill	Rye House Plot	James II
Robert Filmer	William III	God's sovereignty
consent of the people	property	voluntary associations
natural law	toleration	borrowed moral capital
<i>Nemo dat quod non habet</i>	death penalty	duty to punish
legitimacy	no absolute discretion	lease in ourselves
stewardship	defense of absolute monarchy	labor theory of value
tests for legitimate ownership	superfluity	why leave the state of nature
productivity	right to acquire a living	creation of money
theory of limited government	consent is given on terms	conventions
political allegiance	Richard Hooker	renovation of the constitution
appeal to heaven	two-stage account	no right to command unbelief
church: voluntary association	remodeled republican tradition	silence of the law

CHAPTER 14: REPUBLICANISM

Outline

- A. CONSTITUTIONS AND CONSTITUTIONALISM (497-499)
 - 1. Two Most Cherished Beliefs of **Republican Theory**
 - a. Hobbes's attack
 - 1) Tyranny is monarchy misliked
 - 2) Freedom of the state of nature must be abandoned
 - 3) The only civic nature must be abandoned
 - b. Locke's view
 - 1) Traditional **liberal view**: A portion of freedom is exchanged for security
 - 2) Political liberty is the protection of national rights
 - 2. Republican Response
 - a. Civic Liberty University
 - b. **Plato's Republic**

- 1) Tale of virtuous shepherds who manipulate wishes of their flock
 - c. Aristotle's *Politics*
 - 1) Focus on **citizen virtue**
 - 2) **James Harrington**
- 3. Survival of Aristotle's View of the Just Constitution
 - a. Rule of law
 - b. Ideas about mixed constitutions
 - c. Rousseau's narrowly republican view
 - d. Aristotle's *politeia*
 - e. Inclusion of non-tyrannical monarchy
- B. HARRINGTON, SIDNEY, AND MONTESQUIEU (499-500)
 - 1. Reaction to Early Modern Absolute Monarchy and the Rise of the Modern Nation-State
 - a. Collapse of **medieval forms of kingship**
 - 1) Replacement by two types
 - b. **Absolute monarchies** with bureaucracies
 - 1) Prussia and Saxony
 - c. **Nationalism and imperialism** in Britain
 - 2. James Harrington
 - a. Donato Gianotti
 - 3. **Montesquieu**
 - 4. **Algernon Sidney**
- C. JAMES HARRINGTON (500-501)
 - 1. Household of Charles I
 - 2. *Oceana*, 1656
 - a. Dedication to Oliver Cromwell
 - b. Defense against critics
 - 3. Imprisonment
- D. THE STRUCTURE OF *OCEANA* (501-510)
 - 1. Preliminaries
 - a. Ancient Prudence
 - b. Modern Prudence
 - 2. Olphaus Magaletor
 - a. **Oliver Cromwell**
 - 1) Anticipates **Rousseau's** device of the godlike **Legislator**
 - b. Rapporteurs
 - c. Republic based on thirty orders
 - 3. Defense of Ancient Prudence
 - a. Machiavelli's view of liberty
 - b. Definition of government
 - 1) Empire of laws and not of men
 - c. Modern definition
 - 1) Empire of men and not of laws
 - 2) Feudal regime
 - d. Despotic rule
 - 4. Obsession with Balance
 - 5. **Charles I: Answer to the Nineteen Propositions of Parliament**
 - a. Mixed constitution
 - b. Bishop Bossuet
 - c. Sir Robert Filmer
 - d. Hobbes's defense of absolute monarchy
 - 6. Mixed monarchy view of the English Constitution
 - a. *Jure divino* absolutism subscribed by Charles
 - b. Good government was a mixture of one, few, and many
 - c. Not a separation of powers
 - d. Sir **Edward Coke**
 - 1) Dr. Bonham's Case

- e. Idea of balance evoked medieval ideas about the body politic
- 7. Harrington Took over the Idea of Balance
 - a. Influence of Machiavelli
 - b. But Harrington sought cooperation not hostility between the nobility and the commons
 - c. Balance based on land ownership
 - d. Harrington did not explore balance in commercial republics like Venice
- 8. The Idea of a Gothic System
 - a. Origin of **modern kingship**
 - 1) Barbarian tribes provided soldiers, then supplanted their employers
 - 2) Medieval kings were the descendants of the leaders of tribes organized as military hierarchies
 - b. Tribal system stabilized as **feudalism**: A system of **dependent military tenures**
 - 1) Warlordism
 - 2) Land grants in a system of mutual obligation
 - c. England held a **four-estate balance**: the king, the lords spiritual [first estate], the lords temporal [the second estate], and the commons [the third estate]
 - 1) **Commons** were the rural gentry [knights] and freeholding farmers [yeomen]
 - 2) Harrington was not interested in the serfs
 - d. **Standing Army vs. Militia**
 - 1) Standing armies were universally regarded as a threat to liberty
 - 2) William III's reluctance to disband the army
 - 3) Second Amendment to the U.S. Constitution provides for a militia

[NOTE: William the Conqueror used an army to invade and defeat the militias (*fyrds*) that protected England in 1066]
- 9. Balance Was in the Nobility
- 10. Root of the Old System's Downfall during the Civil War Lay with Measures Taken by **Henry VII** [who founded the Tudor Dynasty: Henry VIII, Edward VI, Mary I, Elizabeth I]
 - a. End of the feudal system
 - 1) Statute of Population: Increased the number of small independent farmers
 - 2) Statute of Retainers: Emancipated small farmers from the service of great lords and forbade them to keep militias
 - 3) Statute of Alienation: Selling of freehold land was made easy
 - 4) Thus was the nobility disarmed
 - b. Collapse of the aristocratic balance
 - 1) Neither the nobles nor the kings could resist encroachments of the commons
 - c. Such popular equality requires a **popular republic**
- 11. Harrington Proposed an Egalitarian Pattern of Landholding
 - a. Elimination of **primogeniture**
 - b. **Natural leaders**
 - 1) **Venetian model**: Small senate with a larger assembly
 - 2) Landowning middle classes
 - 3) Arrangement ensures the existence of a free republic, civic virtue, and a valiant people
- 12. Harrington Finesses Machiavelli
 - a. Machiavelli's distinction between **two types of republic**
 - 1) Republic for increase
 - 2) Republic for preservation
 - b. **Filtration process** for popular opinion
 - c. Harrington took for granted that Oceana was to be a republic for increase
 - 1) Institutions patterned after the Venetian Republic
 - d. Oceana was to be both everlasting and expansive
 - 1) An imperial project safeguarded against the corruption that had brought

- down Rome
 - 2) Egalitarian repartition of property rather than settling soldiers on captured Territory [cf. Machiavelli]
 - 3) Bad example of **Lucius Cornelius Sulla**: Ruled as perpetual dictator via a private army
- 13. *System of Politics*
 - a. Harrington vs. Plato
 - 1) Plato's antipolitical philosophy
 - 2) Harrington's apparently (but misleadingly) unphilosophical politics
 - b. Harrington's Old Testament model
 - 1) Drained of theocratic implications: Politics prioritized over religion
 - 2) Agrarian laws
 - 3) Civil religion
 - c. **Polybius**
 - 1) Harrington's hope to escape the **cycle of decay**
- 14. Claim That a Political System Might Aim at Immorality
 - a. Christianity had a strongly historical view of the world
 - b. Millenarianism
 - c. His ambition for an enduring republic resembled Hobbes's intentions in *Leviathan*
- E. THE UNKINDNESS OF HISTORY (510-513)
 - 1. History Played Harrington Doubly False
 - a. *Oceana* was an homage to Machiavelli's *Discourses*
 - b. Success of the English system following the **Glorious Revolution** of 1688
 - 2. Harrington's Simple Idea
 - a. Central economic task is to find the resources to pay for defense
 - 1) Ideal of the **independent freeholder**
 - 2) Citizen-soldier vs. standing armies
 - 3. Hanoverian England Made This View Obsolete
 - a. **Central bank and public debt**
 - b. An effective army could be had by other means
 - 1) Modern army is not a well-regulated militia
 - 4. Harrington Argued That the British Monarchy Was Doomed
 - a. Popular republic was the alternative to autocracy exemplified by the Roman and Ottoman empires
 - b. **Fear of tyranny** late in the reign of Charles II
 - 5. **David Hume** Pointed out that the Old Mixed Regime Still Had Life in It
 - a. Providential view
 - b. Its success depended on what Harrington regarded as corruption
 - c. Idea of living within the state's means died hard
 - d. **Tax-financing of wars**
 - e. **Patronage** made the new system work
 - f. **Bernard Mandeville's *Fable of the Bees***
 - g. Country Whigs
- F. ALGERNON SIDNEY (513-518)
 - 1. Resurrection of Harrington's ideas
 - a. Attempts to exclude the Duke of York
 - b. Algernon Sidney's *Discourses*
 - 2. Background
 - a. Refusal to try Charles I
 - b. Self-imposed exile
 - c. Arrest at the time of the Rye House Plot
 - 1) Posthumously acquitted
 - d. Sidney's vigorous prose
 - 3. Debates during Charles II's Reign
 - a. Filmer's *Patriarcha*
 - 1) Easier to square with historical evidence than social contract theories

- b. Harrington
- 4. **Descending Theory of Authority**
 - a. Authority is in essence absolute
 - 1) Nonabsolute authority is exercised on the basis of a grant with limitations
 - b. Room for disobedience
 - 1) King is bound by his own laws until he suspends them
- 5. Sidney's Demolition of Filmer
 - a. Kings are not fathers
 - b. **Political authority** is not paternal but **rests on consent**
- 6. His Positive Doctrines
 - a. Enthusiasm for our own liberation from arbitrary rule
 - b. Aggressive defense of Protestantism
 - c. Need for a reinvigorated aristocracy
 - d. Freest societies live in constant tumult
 - e. Contrast between ancient Greece and the one under a foreign master
- 7. Government by Consent
 - a. Right of magistrates are conferred by the people
 - b. People may set up whatever form of government they choose [Pope's Essay on Man]
 - c. Tyrants should be resisted and deposed
- 8. There is No Absolutely Best Form of Government
 - a. Preference for an aristocratic republic
 - 1) Freely accepted meritocracy
 - 2) Corruption is the trade of placemen
- 9. God Created Us Free and Equal
 - a. God alone possesses absolute authority
 - b. Freedom from God is not lawless, as in Hobbes
 - c. Reason is sufficient to reveal the basic dictates of natural law
- 10. Civil Society Limits on Freedom of Choice
 - a. But we should give up as little as possible
 - b. **Liberal and Republican traditions** combined
 - 1) The pursuit of one did not rule at the pursuit of the other
 - c. Benjamin Constant
- G. MONTESQUIEU (518-520)
 - 1. **Charles-Louis de Secondat**
 - a. Rousseau's despairing claim about commercial society
 - b. Secondat family
 - 2. His Rich Literary and Intellectual Life
 - a. *Académie Française*
 - b. Three-year journey
 - c. *Spirit of the Laws*
 - d. Foundational work of modern political sociology
 - 3. Scottish Moral Philosophers
 - a. Analysis of political culture
 - 1) Model for Alexis de Tocqueville
 - b. Complex impact on France
 - c. Difficulty of borrowing institutions
 - 4. Contribution to Three Subjects
 - a. Forms of government
 - b. Obsolescence of the classical city-state
 - 1) Thomas Jefferson sought to evade Montesquieu's argument by suggesting that **ward republics** could be combined into a confederation
 - c. How to achieve modern political freedom
- H. LAW AND THE "SPIRIT" OF INSTITUTIONS (521-531)
 - 1. Nature of Law
 - a. Different types of laws

- b. Natural law
 - c. Three varieties of positive law
- 2. Tripartite Classification of Government
 - a. Nature
 - 1) Republic, monarchy, despotism
 - b. Spirit
- 3. Spirit of the State
 - a. Athens and Sparta
 - b. Britain and France vs. Turkey
 - c. Weakness of Aristotle
 - 1) Failure to reach the animating principle of monarchical rule
- 4. **Animating Spirit**
 - a. Republican virtue: Rome, Sparta, Athens
 - b. French monarchy: Pursuit of glory and high culture
 - c. England: Its citizens' liberty
 - d. Popular sovereignty in a republic
 - e. *Res publica*
- 5. Reconciliation of Democratic Virtues with Administrative Effectiveness of Unitary Governments
 - a. Military
 - b. Factional infighting
 - c. Advantage of an association
 - d. Lykian League
 - e. Double sovereignty of American federalism
- 6. Moderate Governments vs. Despotisms
 - a. Ancient vs. modern citizenship
 - 1) Montesquieu views the difference with equanimity, unlike Rousseau
- 7. Montesquieu Did Not Advocate Any Particular Regime
 - a. Ottoman Empire
 - b. Failed English Experiment as a Democratic Republic
- 8. **Benjamin Constant**: Modern World Offers More Sources of Private Pleasure
 - a. Enormous losses in submitting to the discipline the ancients imposed on themselves
 - b. Skepticism about the ideology of the Country Whigs and Rousseau
 - c. Pericles's Athens as an outlier [not statistically significant]
- 9. Athenian Exception
 - a. Insistence on ideological uniformity
 - b. *Ecclesia* [assembly] at its worst: It ceased to be a moderate regime
 - c. Classical republics emphasized public games and festivals to distract from money making [we have our own public distractions]
- 10. Restricted Citizenship and Suffrage
 - a. Only independent property owners had a permanent stake in the republic
 - b. Mixture of aristocracy and democracy
 - c. **Cleisthenes's** democratic constitution restricted office-holding to top three classes
 - d. Government by consent need not entail democracy
 - 1) Argument for **negative liberty**
- 11. **Passion for Equality** [cf. Alexis de Tocqueville]
 - a. Essence in the ancient world was political rather than economic
 - b. Modern egalitarian ideal is economic and social
 - c. Rome's legacy of **rule of law**
- 12. Co-dependency of the Monarchy and the Nobility
 - a. Monarchy requires intermediate, subordinate, and dependent powers
 - b. England's intermediary institutions
 - c. **French nobility** rendered useless [and thus dangerous]
 - d. Benevolent intentions could not save the monarchy if it undermined its own

- foundations
13. Difference of Spirit between French Absolutism and Ottoman Despotism
 - a. Questions of honor and shared authority
 - b. French king did not wish to be served by slaves
 - 1) *Les mœurs*
 - 2) An irreducible minimum of real liberty
 - c. Social and economic pluralism preserved liberty
 14. England as an Oddity
 - a. Animating spirit was **honor**, not virtue
 - b. **Separation of powers** secured liberty
 - c. Locke's different distinction
 - d. Depository of law
 15. **Check and Balance**
 - a. Judicious entanglement of power [checks and balances require overlapping powers]
 - b. Freedom to critique king and his ministers
 - c. Robert Walpole vs. Viscount Bolingbroke
 16. Criticism of **Venice**
 - a. Frightful **inquisitorial system**
 - b. A republic has not natural unity
 17. Danger to Liberty of a **Tyranny of Opinion** [Political Correctness]
 - a. Tocqueville's fear of a tyranny of the majority
 - b. Loss of liberty due to brainwashing or fear
 - c. Deterrent: Multiple points of access and a willingness of officeholders to protect turf [cf. James Madison *Federalist*, no. 51]
 18. Elements of a Theory of **Political Pluralism**
 - a. Right social structure and self-reliant population
 - b. Robust account of political balance
 - c. Willingness of individuals to change ideas and allegiances
 19. What a Modern Political System Cannot Be: A Machine That Can Go of Itself [cf. Oliver Wendell Holmes's "Wonderful One-Hoss Shay"]
 - a. Harrington's hope
 - b. Accommodation and control of economic activities of different social groupings
 - c. Advances in science and technology outmoded ancient models
 - d. Machiavelli's advice no longer made sense
 - e. Use of history

Review

republican theory	liberal view	Plato's <i>Republic</i>
citizen virtue	James Harrington	medieval forms of kingship
absolute monarchies	nationalism and imperialism	Algernon Sidney
Oliver Cromwell	Rousseau's Legislator	Edward Coke
Glorious Revolution	independent freeholder	central bank and public debt
modern kingship	feudalism	dependent military tenures
four-estate balance	standing army	militia
Henry VII	popular republic	primogeniture
Venetian model	two types of republic	filtration process
Lucius Cornelius Sulla	Polybius	cycle of decay
fear of tyranny	David Hume	political authority rests on consent
descending theory of authority	liberal and republican synthesis	tax-financing of wars
patronage	Bernard Mandeville	Charles-Louis de Secondat
Montesquieu	Jefferson's ward republics	animating spirit
Benjamin Constant	Cleisthenes	negative liberty
passion for equality	rule of law	honor
separation of powers	check and balance	Venice

inquisitorial system

tyranny of opinion

political pluralism

CHAPTER 15: ROUSSEAU

Outline

- A. LIFE AND TIMES (532-534)
 - 1. Origins and Parentage
 - a. Mme. de Warens
 - b. Father
 - c. Geneva
 - 2. Departure from Geneva
 - a. Apprenticeship
 - b. Violations of curfew
 - c. He invariably bit the hands that fed him
 - 3. Arrival in Paris
 - a. Denis Diderot
 - b. Thérèse Lavasseur
 - c. Foundling Hospital
 - d. Voltaire
 - 4. Precarious Existence
 - a. Difficulty of finding a place to live unmolested by the authorities
 - b. David Hume
 - c. Mental illness
 - d. His original ideas
- B. ROUSSEAU AND REVOLUTION: REPUTATION AND REALITY (534-538)
 - 1. Influence of Rousseau's Ideas
 - a. Thomas Carlyle on the French Revolution
 - b. Joseph de Maistre
 - c. Rousseau's opposition to revolution and the **mobility of the modern world**
 - d. Roman and Spartan ideals of citizenship
 - 1) Rousseau admired the stability of ancient republics
 - 2. French Revolution Seen as a "Modernizing Revolution"
 - a. With benefit of hindsight, assisted by Hegel and Marx
 - b. Representative government and the idea of the nation
 - 1) It took nearly a century before the birth of the Third Republic
 - c. Nature of Rousseau's **patriotism**
 - d. He articulated the ideals of radicals but was hostile to their new order
 - 3. Range of Rousseau's Talents
 - a. Musical composing, including the opera *Le devin du village*
 - b. Invention of the Romantic novel: *La nouvelle Héloïse*
 - c. Political writings
 - d. Censorship
 - 4. Intellectual and Emotional Untidiness
 - a. Ideal of rationality
 - 1) Emphasis on the quirky, unsociable aspects of human nature
 - b. Puzzling ideas about moral law
 - c. *Confessions* anticipated Sigmund Freud, Bertrand Russell, and Herbert Marcuse
 - 5. Burden of Original Sin Placed on the Back of Society
 - a. **Societal causes** of the imperfections of human nature
 - b. Christianity sees politics as an imperfect remedy
 - c. **Machiavelli's** duplicity of human nature
 - d. Rousseau's critique of Hobbes
 - e. Rousseau: Men are **clay in the hands of society**

- f. Paved the way for the utopian optimism of Marxism
- g. Centrality of three of Rousseau's works
- C. ROUSSEAU'S DISCOVERY OF HUMAN EVOLUTION (538-539)
 - 1. *Social Contract*
 - a. Publication of **Émile** delayed
 - b. Treatment of history
 - 1) Thucydides
 - 2) Machiavelli
 - 3) Hume
 - 2. **Evolutionary Framework**
 - a. Our original nature is thoroughly lost [cf. Locke's *tabula rasa*]
 - 3. Question of Which Possibilities Remain Open
 - a. Theory of human development [cf. Jean Piaget]
 - b. How much can we mold infants?
 - 1) This is the subject of Rousseau's theory of education
 - 4. Question Posed by *Discourse on the Origin of Inequality*
 - a. Disbelief in progress
 - b. Our failure to reap the benefits of our required skills
 - c. Change as a threat
- D. THE *DISCOURSE ON THE ORIGIN OF INEQUALITY AMONG MEN* (539-552)
 - 1. Prize Essay for the Academy of Dijon, 1754
 - a. Successor to the *Discourse on the Arts and Sciences*
 - 1) Attack on the effects of arts and sciences on our morals and characters
 - 2) **Ancients vs. moderns**: All the advantages belong to the former
 - b. Visit to Diderot
 - 1) Rousseau's trance or "illumination" [conversion experience]
 - 2. *Discourse on Arts and Sciences*
 - a. Criticisms
 - 1) Assault on reason
 - 2) Absurdity of complaining while offering no remedy
 - b. Acute sense of the **contradictory impulses** created by our socialization
 - c. Rousseau's secular equivalent to sin [essentially Christian sense of duplicity or doubleness]
 - 3. *Second Discourse*
 - a. Astonishing contribution to social theory
 - 1) Hobbes's depiction of the state of nature lurks in the background
 - 2) Need for a common but stronger force
 - b. Rousseau presumed **Hobbes's naturalism** and his strong state
 - 1) He acquitted human beings of original sin and accused society instead, holding that Hobbes's human nature was socialized human nature
 - 4. Rousseau's Hypothesis of Our True Original Sin Nature
 - a. His hypothetical account contradicted the Biblical account
 - 1) When the facts contradict the theory, so much the worse for the facts
 - b. Rousseau leaves his meaning unclear
 - c. His running commentary of speculative anthropology
 - 5. Speculation about Man's Connection with the Great Apes
 - a. Lord Monboddo's linguistic theory
 - 1) Orangutan (Wild Man of Borneo) seen as the "missing link"
 - b. Question of verification
 - 1) A rational process of abstraction?
 - 2) **Reasons of the heart** [experience seen as "a better guide than reason"]
 - c. Problems with each approach
 - 6. Set Aside the Facts
 - a. Rousseau needed a baseline of natural equality
 - 1) Contrast with Hobbes and Locke

- 2) Natural law would be unintelligible apart from man's physical vulnerabilities
- b. Hobbes's **vainglory**
- c. Ill effects of Rousseau's ***amour propre***
- d. ***Amour de soi***
- 7. Rousseau's Original Innocence
 - a. Two powerful instincts: *amour de soi* and *pitié* [**compassion**] [which seems to assume that man is gregarious rather than reclusive by nature]
 - b. Unique human capacity: *perfectibilité* (**educability**) [Glaucón's spiritedness in Plato resembles Rousseau's compassion]
 - c. Long **maturation and dependency**
 - d. Transformation of the species
 - 1) Literacy is a condition of survival in the developed world
 - 2) We live within ourselves in the national state
 - e. *Amour de soi* is the instinct of self-preservation
 - 1) Immediacy
 - 2) Absence of fears
- 8. Picture of the Self-contained Life
 - a. *Pitié*
 - b. Ability to protect ourselves from hazards
 - c. Nothing for inequality to feed on
- 9. Why We Left this Natural State
 - a. Inconveniences for Hobbes and Locke
 - b. Population pressure and a need for social organization
- 10. Origin of Language Is Obscure
 - a. Truly natural man would be solitary [not gregarious] [but this is a contradiction]
 - b. Burden of creating a language would have to fall on the infant [What then would be the role of mothers in such communication?]
 - c. Power of speech must have preceded the invention of speech
 - d. Language, reason, and self-consciousness are interdependent
 - e. Generalization from the wishes of self-love and pity to moral principles
 - f. Kant's categorical imperative
- 11. Validity of These **Self-addressed Commands** [Kant's Categorical Imperative]
 - a. Obligation not to harm is not a matter of squeamishness
 - b. Ability to generalize coincided with the arrival of morality, guilt and shame
 - c. Result: A new vulnerability to ourselves and others
 - d. Moral resentment
- 12. **Stage Theory of Human Development**
 - a. Its ancient origins [systematized by Hegel]
 - b. Two differences between the 18C and later versions
 - 1) **Productivity gap** between the two
 - 2) We are less anxious about the psychological effects of a society dominated by market relationships [the so-called cash nexus]
 - c. Contrast between the sturdy freeholder (yeoman), the servile trader, the ingratiating shopkeeper, and the oppressed peasant
 - 1) Jeffersonian ideal fueled the rise of Populism
- 13. **Carib Indians**
 - a. Happy springtime of the human race [cf. Montesquieu's cannibals; Shakespeare's Caliban was more of an ignoble savage]
 - b. Arrival of envy and sexual jealousy
 - c. Absence of social anxiety
 - d. No step-by-step account of the development of property
 - e. Even this simple society was not natural
- 14. Second Part Can Be Read as a Commentary on Hobbes
 - a. **War is internalized in society** [cf. Marx on class conflict]
 - b. Creation of **private property**

- 1) Resulting crimes
15. Poets Thought that Gold and Silver Corrupted Us
 - a. Rousseau: Corn and iron civilized man and ruined humanity
 - b. Decisive impact of the agricultural revolution
 - c. Resultant drudgery
16. Owners vs. Workers
 - a. Subdued civil war
 - b. Monopolization of the benefits of civilization
 - c. New forms of competition and new forms of misery arise
 - 1) Man enabled to live outside himself (alienation)
 - d. Obsession with appearances
17. We Crave Admiration and the Good Opinion of Others [cf. Girard's mimetic desire]
 - a. Incentive to duplicity, hypocrisy, and resentment
 - 1) Putting up a good appearance
 - 2) Voltaire's attack
 - 3) **Resentment** [cf. Nietzsche's *ressentiment*]
 - b. Need for **complete control** [dictatorship, totalitarian impulse; cf. Marx's dictatorship of the proletariat]
 - 1) Imaginative solipsism of the hermit
18. Subversion of the Social Contract Tradition
 - a. Inherent instability of this buried [repressed] civil war
 - 1) Sinister social contract established by the rich
 - 2) How the proposal was dressed up
 - b. Rousseau's anticipation of the Marxist tradition
 - 1) Governments as a **conspiracy against the propertyless**
19. Rousseau Wishes to Tell Two Contradictory Stories
 - a. Structurally the state is built on the sinister contract
 - b. Historically it must have begun as a union for self-defense among near equals
 - 1) Greater legitimacy of simple, nonluxurious societies
20. Attractions of the *Discourse*
 - a. Image of man as a victim of social forces
 - 1) It can fuel utopian aims
 - 2) Or the milder tyrannies of the therapeutic society
 - b. Rousseau slights the virtues of modernity
 - 1) Acute sense of individuality
- E. ÉMILE AND WITHDRAWAL (552-556)
 1. Alleviating the Tensions that Distressed Rousseau
 - a. Rousseau offered several remedies
 - 1) The hermit's life
 - b. **Solitude**
 - 1) A solution that relies on not too many following suit
 2. Thought that the Good Life Can Only Be Indirectly Promoted by Politics
 - a. Sources of individual happiness
 - 1) Private goods
 - b. Institutional forms matter only to that extent that produce the personnel needed to operate them efficiently
 - 1) Commonsensical minimalist view
 - c. Rousseau was intoxicated with the classical republican view of the active citizen
 3. **Émile**
 - a. Goal of education: detachment from poisoned life in modern society
 - b. Purposes: Either make a committed citizen of a republic or live happily disengaged
 4. Education Must Be Entrusted to Nature as Far as Possible
 - a. Human nature is corrupted by human meddling
 - 1) Child protection: Directed against society
 - b. High degree of control actually given the tutor

- 1) Fantasies of pedagogical omnipotence
5. Central Thought: **Things** Must Teach the Child
 - a. **Dependence on persons** is slavery
 - 1) Stoic tradition
 - b. Equivocal character of teaching
 - 1) Duplicitous manipulation by Émile's tutor
 - 2) Teacher as equal and leader [duplicitous assumption]
6. Savoyard Vicar
 - a. Deism
7. Social Contract
 - a. Sophie
 - b. Mary Wollstonecraft's critique
8. Émile as a **Benevolent Outsider**
 - a. Living by rules of rational morality
 - b. Self-sufficiency
 - c. Citizen of nowhere
 - d. Attitude toward local community
 - e. Nationalism
- F. THE SOCIAL CONTRACT (556-558)
 1. Inquiry into the Conditions under which a Polity Can Rightly Demand Obedience to its Laws
 - a. Difficulties
 - 1) Connection between the general theory of legitimacy and Roman republican institutions
 - 2) Distinguishing types of freedom
 - b. Doubt about the legitimacy of most political systems
 - 1) Even Geneva would have to be drastically renovated
 2. Opening
 - a. **Problem of legitimizing chains**
 - b. No story about origins can determine a question about right
 - 1) Allegiance sworn by ancestors does not enjoin us
 - 2) Critique of Grotius
 - c. What give anyone the right to impose obligations we are bound to obey?
 3. Question of Living as a Friendly Alien in a Society
 - a. Treatment of friendly aliens
 - 1) No right to have any say in the making or rules
 - 2) Demand for guarantees of harmlessness
 4. Stable Societies Treat Foreigners like Co-nationals
 - a. But they are not afforded all the legal protections of citizens
 - b. Balancing of duties and protections
- G. RIGHT INVOLVES A PACT (558-564)
 1. Rousseau's Hostility to the Idea that Might Makes Right
 - a. Legitimacy
 - 1) Slave has no duty to obey his master
 - b. Grotius argued that a people might yield itself to an absolute monarchy
 - c. Prior question: how is a multitude constituted as a people?
 2. Inconvenience Drives Us to Create a Civil Society
 - a. The basis of right is an agreement
 - 1) Subject to demanding constraints
 - b. Question of whether the system of right must be prior
 - 1) Hobbes: self-imposed political obligation
 - 2) Natural law
 3. Creation of Legitimate State
 - a. Oddity of having possessions prior to government
 - b. Two answers to this problem

- 1) Locke: A preexisting moral order before a sovereign and conventional law
- 2) Rousseau's "demoralized" approach: *De facto* possession precedes *de jure* ownership
- 3) Locke instead contrasted a world governed by a moral code with positive law
4. Rousseau: Creation of a **Sovereign Moral Body**
 - a. Corporate entity with a will, like Hobbes' sovereign body
 - 1) **General will**
 - 2) Cicero: *Res publica* is *res populi*
 - b. Analogy to the Ford Motor Company
 - 1) Corporate personality
 - 2) *Corpus mysticum*
 - c. **Ultimacy of a body politic** [no higher authority recognized; it is exclusive and conclusive]
 - 1) Everyone must be bound without reservation
 - 2) Hobbes draws the line at allowing ourselves to be murdered by the sovereign
5. Rousseau Opens Some Doors for Escape
 - a. Common good
 - b. Russian kulaks were not obliged to go quietly to their deaths
6. A Well-Constituted State Will Not Behave so Badly
 - a. Impartiality
 - b. State creates a set of novel relationships
 - c. Two aspects of the body politic
 - 1) Men are both citizens and subjects
 - d. **We obey ourselves alone**
 - 1) We are transformed into moral human beings
 - e. Kant's Moral Theory
7. Rousseau is Unclear How Law and Morality Relate
 - a. General will is only made by citizens
 - 1) Is this the condition for moral agency?
 - b. Morality vs. law
 - c. Diderot's cosmopolitanism
 - d. Rousseau rank orders organization based on intensity of motivation
 - 1) Inverse relationship between size of group and strength of its will
8. Right Needs to be Backed by Sanctions
 - a. [Anticipation of Kant's categorical imperative] We need guarantees that rules will be obeyed
 - b. Rousseau found it difficult to discuss punishment
9. Rousseau's Resemblance to Kantian Idealism
 - a. **Lawful punishment** is inflicted on ourselves by ourselves
 - b. Rule of law: We license others to make us observe our agreement [a kind of veto]
 - 1) "Forced to be free"
 - 2) Being forced to live up to our commitments [political moralism as opposed to deterrence]
 - c. Different versions of what Rousseau may have had in mind
 - 1) Unattractive possibilities [opening the door to inquisitions]
 - 2) Our lives seen as a gift from the sovereign
 - 3) Socrates
- H. ROUSSEAUIAN LIBERTY (564-572)
 1. It Must be Possible to Combine Freedom and Law
 2. Three Sorts of Freedom Might be Distinguished
 - a. Actual freedom
 - 1) Pursuit of harmless good

- 2) Natural obedience to appetite is not slavery
 - b. Moral freedom of man with a healthy character
 - 1) Stoicism
 - c. Civic freedom of two kinds
 - 1) Montesquieu: State violates my freedom if it forces me to do what I ought not to do
 - 2) Machiavelli: True civic freedom requires participation in making and executing laws (popular republic)
 - 3. Conflicting interests make politics necessary; common interests make it possible
 - a. Two questions
 - 1) Frist has to do with the scope of the general will
 - a) General by confined to the main structures
 - 4. Rousseau's Claims about the General Will
 - a. **Indivisibility**
 - 1) Achieving consensus
 - 2) Agreement with utilitarians like Bentham and Austin
 - 3) American federalism posed no problem for Rousseau
 - b. **Infallibility** and omnicompetence
 - 1) Question making mistakes
 - 2) The general will itself is always right: i.e., the sovereign can do no wrong
 - 3) The mistakes are interpretive
 - 5. Whether the Community Has a General Will
 - a. Common interest in not being invaded
 - b. Politics is about both shared and nonshared interests
 - a. Difficulty in determining what is most in the shared interests of all
 - 6. Rousseau Opted for a Simple, Egalitarian Society
 - a. [cf. Plato's City of Pigs]
 - 7. Question of Who Decides the General Will
 - a. Two questions
 - 1) Legitimacy
 - 2) Best form of government [cf. Alexander Pope's *Essay on Man*]
 - b. Democracies fare badly under most conditions
 - c. Popular republic
 - d. Elective aristocracy
 - e. Need for a virtuous people
 - 8. Question of Who Is to Govern
 - a. They must ask what the general will requires
 - 1) Search for rules to accommodate everyone's wants
 - 2) Factionalism is fatal
 - 9. **Two-stage Process** for Determining the General Will
 - a. Unanimity most likely at the second stage
 - 1) Two conditions must be met
 - b. Findings of basic probability theory
 - 1) Trial by jury
 - c. Continuing doubts about the concept of the general will
 - 10. **Will of All**
 - a. Rousseau's hostility to subordinate allegiances within the polity
 - 1) Desire for strong central authority
 - b. American pluralism takes the opposite view
- I. ROUSSEAU'S STATE (572)
- 1. **Legitimate State**
 - a. Utilitarian hostility to the idea
 - b. Question of the entitlement to make rules
 - 1) Skeptics treat this as a factual question
 - c. Rousseau's answer
- J. IMPACT (573-576)

1. The **Legislator**
 - a. Moses, Romulus
 - b. Acceptance by the people legitimates the Legislator's vision
 - 1) Attack on Grotius
 - c. Rousseau opens the door to democratic dictatorship
 - 1) Charismatic authority
 - 2) Robespierre
2. Reflections on Roman Institutions
 - a. Athenian Assembly too ambitious
 - b. Rome's elective aristocracy
3. Inadequacy of Parliamentary Government
 - a. Institutional sham
 - b. Framework of a popular republic
 - c. Geneva's fear of a seditious Rousseau
4. Roman Conception of Citizen Obligations Was Strenuous
5. Role of Civil Religion
 - a. **Montesquieu**: republic held together by **les mœurs** [morals]
 - 1) Role of the *ensor morum* [censor of morals]
6. Rousseau's heresies
 - a. Deist profession of faith
 - b. Infidelity as treason
 - c. Brief against Christianity
 - 1) Divided loyalty of Catholics
 - 2) Heart religion is insufficiently worldly
 - 3) American religion
7. Puzzle of **Why Rousseau Is Attractive** to the Modern World
 - a. His theory of legitimacy is consistent with a modern liberal democratic state
 - b. Rousseau would have liked an annual referendum
 - c. He would have referred virtue to our frivolities
 - d. French revolutionaries erred in thinking that Roman virtue could make much headway in modern France

Review

mobility of the modern world	patriotism	societal causes of human imperfections
Machiavelli: duplicity of human nature		men as clay in the hands of society
<i>Émile</i>	evolutionary framework	ancients vs. moderns
contradictory impulses	Hobbes's naturalism	reasons of the heart
vainglory	<i>amour propre</i> vs. <i>amour de soi</i>	compassion and educability
maturation and dependency	self-addressed commands	stage theory of human development
productivity gap	Carib Indians	war is internalized in society
private property	resentment and dictatorship	conspiracy against the propertyless
solitude	dependence on things rather than persons	
benevolent outsider	problem of legitimizing chains	sovereign moral body
general will	ultimacy of a body politic	we obey ourselves alone
lawful punishment	indivisibility	infallibility
two-stage process	will of all	legitimate state
Legislator	Montesquieu	<i>les mœurs</i>
why Rousseau is attractive		

CHAPTER 16: THE AMERICAN FOUNDING

Outline

A. AN UNLIKELY ACHIEVEMENT (577-79)

1. Its Surprisingness
 - a. First new nation
 - b. Joseph de Maistre
 - c. Well-crafted human contrivance
2. Founders
 - a. They were collectively what **Cicero** longed to be: Creators of a nontyrannical republic
 - b. Three possible versions
 - 1) Hamiltonian: Financially centralized and imperialist commercial republic
 - 2) Jeffersonian: Loose-knit system of ward republics, agrarian, democratic, hostile to commerce and industry
 - 3) Madisonian
 - c. **John Adams**
 - d. **Benjamin Rush**
3. A Contentious and Theory-Laden Enterprise
 - a. Grievances expressed in the language of radicals who had been squeezed out in 1688
 - 1) Behind them stood Cromwellian republicans
 - 2) Samuel Adams
 - b. Good Old Cause got a second wind in America

B. THE DECLARATION AND ITS SOURCES: LOCKE AND SIDNEY (579-84)

1. Legacy of the Glorious Revolution
 - a. **Edmund Burke** praised the settlement of 1689: Restoration of the ancient constitution
 - b. **John Locke** adhered to the other camp: Rulers serve at the people's pleasure
 - c. Thomas Jefferson's *The Rights of British North America*
2. Declaration's Debt to **Algernon Sidney**
 - a. Appeals to natural rights and natural law
 - 1) Ideas about collective liberty: The **liberty of self-governing citizens** [cf. Francis Lieber's *On Civil Liberty and Self-Government*]
 - b. Rhetoric of citizen virtue with the rhetoric of natural rights
 - c. Invocation of God
 - 1) No anxiety that God was usually invoked in support of the divine right of kings
 - 2) History and philosophy are invoked without fear they yield different results
 - d. Immemorial liberties of the English and the virtues of the ancient constitution are cited along with appeals to natural right
 - e. The result was a blending of diverse elements of the conceptual universe
3. Familiar Intellectual Ingredients
 - a. **Sources** [see the works of Bernard Bailyn, Gordon Woods, and Donald Lutz]
 - 1) **Petition of Right**, 1629
 - 2) **Declaration and Bill of Rights**, 1689
 - 3) Sidney's *Discourses*
 - 4) Locke's *Two Treatises*
 - 5) Montesquieu's *Spirit of the Laws*
 - b. American religious sentiment: Calvinist and Augustinian in moral and politics
 - c. Agreed principles and overlapping consensus
4. Later Writers Drew a Sharp Distinction between the Liberal Concern with Individual Freedom and the Republican Concern with Collective Freedom
 - a. **Benjamin Constant** [cf. Lieber's *Ancient and Modern Teacher of Politics*]
 - b. Need for both the liberty of the ancients and the liberty of the moderns

- 1) Exclusive ancient liberty: Threat to economic freedom, rights of conscience, and tyranny of the majority
 - 2) Exclusive modern liberty: Threat to deprive citizenry of the power of self-government as “we the people”
 - c. Politics of virtue [ancient] vs. politics of rights [modern]
 - d. Madison: “Politics lies in a mean”
 - 5. Constitutional Order Must Be Both Lockean [Liberal] and Republican
 - a. Unresolved tensions
 - 1) Challenge of slavery
 - 2) Liberty of citizens in pagan antiquity had rested on slavery
 - b. Christian modernity believed we are born free and equal
 - 6. Ideas About Motivation
 - a. Unkind views
 - b. Thriving and self-confident people were accustomed to managing their own affairs
 - 1) British government was also distracted by foreign conflicts and inattentive to American needs
 - c. Independence could not have been long delayed
 - 7. None of the Leading Founders Thought Direct Democracy Desirable
 - a. Nor possible on a national scale
 - b. None was an economic egalitarian
 - c. Equality of opportunity
 - d. Many Antifederalists were enthusiasts of democracy
 - 1) They wanted inflation and cancellation of debts
 - 8. **Thomas Jefferson**
 - a. Common man was also keen on the sanctity of property
 - b. Democratic Republicans
 - c. Class conflict was delayed
- C. JEFFERSON AND INDEPENDENCE (1776-90)
- 1. His Summary of the Colonists' Rights to Separate Themselves
 - a. His life and education
 - b. Scottish moral-sense philosophy
 - 1) James Madison was a student of **John Witherspoon**, who signed the Declaration
 - c. His *Summary View of the Rights of British America* frightened his colleagues
 - 2. His Accomplishments
 - a. Incompetence as a businessman
 - 1) His personal library was sold to become the foundation of the Library of Congress
 - b. Louisiana Purchase
 - 3. *Summary View*
 - a. Appeal to Cicero's *De Officiis*
 - b. Invocation of the Anglo-Saxons
 - 4. Question of the Powers of Home Governments
 - a. Greek colonies
 - b. Benefits the British government provided
 - c. Jefferson saw the **British Empire** as a confederation of self-governing communities
 - d. But his argument was at odds with practice
 - 1) **Proprietary colonies**: Colonists' rights were a mere leasehold
 - 5. **Doctrine of the Norman Yoke**
 - a. Crown had no original proprietary rights in America
 - 1) These could be established only in a feudal environment
 - b. Anglo-Saxons had been freeholders but lost their rights when the Normans expropriated them
 - 1) Americans are **allodial** (self-governing freeholders) landowners

- c. British attempt to dissolve the Virginia legislature was null and void because there was no royal power to do so
 - 6. Enthusiasm for Saxon Liberty
 - a. American involvement in the English Civil War
 - b. Opposition to tyranny
 - c. Greek ignorance of representation
 - 1) Uselessness of Greek political philosophy
 - d. Jefferson's hostility to monarchy
 - 7. Summary View's Literary Form as a Petition
 - a. Demand for rights
 - b. Litany of grievances
 - c. Declaration of the Necessity of Taking up Arms
 - 1) The middle colonies hoped for a restoration of the *status quo ante*
 - 8. **Declaration of Independence**
 - a. Gettysburg Address
 - 1) Both encapsulate the political identity Americans acquire
 - b. Beliefs
 - c. Decent respect for the opinions of mankind
 - 9. Lockean View of Revolution
 - a. **Virginia Declaration of Rights**
 - b. Locke's *Second Treatise*
 - 1) Revolution as a last resort
 - 2) List of rights
 - 3) Political society is not dissolved: only the ties to a malfunctioning government
 - 4) Americans are a people
 - 10. Conventional Litany of Complaints
 - a. Familiarity of monarchical misbehavior
 - b. More distinctively American complaints
 - c. War had begun more than a year earlier
 - d. British economizing
 - e. French twisted the British lion's tail
 - f. Success was not a foregone conclusion
 - g. Peace without independence could not hold
- D. FROM INDEPENDENCE TO THE FIRST NEW NATION (590-92)
 - 1. Purpose: Removal of British Control of Colonial Affairs
 - a. **Articles of Confederation**
 - 1) Common foreign and defense policy
 - 2) Perpetual union
 - 3) Provisions and omissions
 - b. Scarcity of bullion
 - c. Shays's Rebellion
 - 2. Philadelphia Convention
 - a. Thomas Jefferson's incendiary remarks
 - b. Inadequacy of the Articles
 - c. Need for a more perfect union
 - d. Reaction of the Continental Congress
 - 3. Provisions
 - a. Structure
 - b. Apportionment and terms of office
 - c. Permanent executive
 - d. Supreme Court
 - e. Presidential veto
 - f. Difference from Britain's sovereignty of parliament
 - g. Judicial autonomy
 - h. Separation of powers system

- E. **FEDERALISM (592-94)**
1. Purpose of the Constitution
 - a. Create a more powerful central government among states that had separated from one
 - 1) Need for a countervailing power to limit mischief
 - 2) Tyranny of the majority (an unchecked factional ruler)
 - b. Need for a system of mutual checks
 - c. Novelty of a **double sovereignty**
 - 1) Two separate but coordinated authorities
 - d. Empire of lawyers
 2. Balance
 - a. **Antifederalists**: Non-interventionist decentralizers favoring weak executives
 - b. **Alexander Hamilton**
 - c. *The Federalist*
 3. *Federalist*: Collection of Polemical Essays
 - a. Practical intentions
 - 1) Hobbes's *Leviathan*
 - 2) Lockes's *Two Treatises*
 - b. Provenance of the political theory
- F. **JAMES MADISON (594-97)**
1. Background
 - a. Princeton
 - b. **John Witherspoon**
 - c. Graduate study
 - d. Political service
 2. Preparations for the Constitutional Convention
 - a. **Father of the Constitution**
 - b. Drafting the Bill of Rights
 - c. Equipose
 - d. Alien and Sedition Acts
 3. Louisiana Purchase
 4. Presidency
 - a. War of 1812
 5. Retirement
- G. **THE FEDERALIST (597-610)**
1. Madison Was Firmly Antiutopian
 - a. View of politics and government
 - b. Blessings of a well-constructed government
 - c. Bad example of Rhode Island
 2. Institutions Must Operate on the Basis of Setting One Self-Interest against Another
 - a. Madison lacked James Mill's fear of the pointless cruelty of monarchs
 - b. He did not share Hobbes's or Machiavelli's fear of pure self-aggrandizement
 - c. His confidence in the ability of the right institutions to hold it in check
 3. What the Constitution achieved
 - a. A genuinely federal government
 - 1) Powers granted by the whole people
 - 2) Scrupulous respect for individual rights
 - 3) **Gouverneur Morris's** addition to the preamble
 - 4) System of **double sovereignty**
 - 5) Natural rights
 - b. The Extraordinary was not demanded of anyone
 - 1) Montesquieu's view on classical republics
 - 2) Societies of mutual surveillance
 - 3) Processes of **filtration** [the idea of a meritocracy]
 4. Authors and Contributions to *The Federalist*
 - a. Alexander Hamilton

- b. John Jay
 - c. James Madison
 - 1) *Federalist*, no. 10
 - 2) *Federalist*, nos. 14-20
 - 3) *Federalist*, no. 39
 - 4) *Federalist*, no. 47
 - 5) *Federalist*, no. 51
- 5. Accountability to the People
 - a. More so than the Constitution's classical ancestors
 - b. Need to assure the public of its stability
 - c. Purpose of *The Federalist*
 - 1) *Federalist*, no. 10
 - 2) Contrast with **Cicero's balanced republic**
 - 3) Need to avoid a homegrown aristocracy
- 6. Virtue and factions
 - a. Montesquieu
 - b. Greek **factionalism**
 - 1) Politics of betrayal
 - c. making the Case for Federalism
- 7. Madison's Argument in *Federalist*, no. 10
 - a. Argument against conflating republicanism with its extreme democratic form
 - b. Security against factionalism is provided by an **extensive republic**
 - 1) Setting ambition to check ambition [no. 51]
 - c. Role of pride and vanity [cf. Thucydides and Hobbes on glory]
 - d. Excesses and Follies [of what René Girard calls mimetic rivalry]
- 8. Definition of a Faction
 - a. Danger of **majority factions**
 - b. Nature of the factional impulse
 - c. Attacks on rights
 - 1) Use of illicit means [Bastiat's concept of legal plunder illustrates this]
- 9. Two Kinds of Faction
 - a. Emotional or ideological
 - b. Conflicts of economic interest
- 10. Two Approaches to Curing the Mischiefs of Faction
 - a. Removing the causes
 - 1) Stifle liberties: a cure worse than the disease
 - 2) Remove diversity of interests [standardization of opinion]
 - a) It was impracticable then [but to what degree is it now?]
 - 3) Madison rejects both options
 - b. Controlling the Effects
 - 1) A greater diversity of interests will arise in an extensive republic
 - a) **Theory of cross-cutting cleavages** [Georg Simmel, 1908]
 - b) Danger of a politics [or a rhetoric] of class warfare
 - 2) Difference between a popular republic and a pure democracy
 - a) **A representative system**
 - b) The fastidiousness of **George Washington**
 - c) Need for a system of **filtration** [see the critique by J. Budziszewski in *The Revenge of Conscience*, chapter 4]
- 11. Discovery of Representative Government
 - a. Historical precedents
 - b. **Edmund Burke**: Representative vs. delegate
 - c. Representative democracy
 - d. Polybian model
 - 1) America's novel kind of popular republic
 - e. John Stuart Mill
- 12. Enlarged Pool of Talent [Consistent with a Meritocracy]

- a. provision of a large debating chamber
 - b. Subsequent papers
 - c. Madison's answer to critics in *Federalist*, no. 38
 - 13. Definition of a Republic
 - a. Bad examples
 - b. United States as a **mixed republic** [John Adams wrote on this theme]
 - 1) Federal and national elements [*Federalist*, no. 39]
 - 14. Device for Preserving Liberty
 - a. Military budget requests
 - 1) 1688 made the crown dependent on Parliament for regular funding
 - 2) Fear of standing armies
 - b. **Separation of powers**
 - 1) Need for an internal checking power
 - 2) Two questions
 - 15. Dangers of a Unity of Powers
 - a. No barrier to arbitrary judgment
 - b. Court of Star Chamber
 - c. English separation of powers was always very partial
 - 16. No Absolute Guarantee against Tyranny
 - a. Insurrection as a remedy against collusion by the three branches
 - b. Failures of a branch to act as a check
 - c. Overreaching of the executive or the legislature
 - d. Drawback of the Lockean view
 - 17. Implicit **Political Sociology**
 - a. Sociology of the mixed or blended constitution is simple
 - 1) Common people
 - a) Need for a veto [rule of the tribune]
- H. ROADS NOT TAKEN (610-15)
- 1. Madison's Insistence that Politics is "in a Mean"
 - a. Relationship with both Jefferson and Hamilton
 - b. Jefferson left no systematic account of his ideal republic
 - 1) His reaction to the French Revolution undermined many friendships
 - 2. Right of Every Generation to Rebuild Its Institutions as It Chooses
 - a. Thomas Paine
 - b. Attraction of Jefferson's radical, impracticable ideas
 - 3. Ward Republics
 - a. **Militia bands**
 - b. Education and social welfare
 - c. No fear of a majority tyranny
 - 1) Indirectly elected pyramidal regime
 - d. New England township model
 - e. Hume's idea of a perfect republic
 - 4. Impossibility of Pigeon-Holing Jefferson
 - a. Louisiana Purchase
 - b. Empire of liberty
 - c. Worms in the apple
 - 1) Trade and industry
 - 2) Slavery
 - d. Attack on the African slave trade
 - e. Assumed intellectual inferiority
 - f. Native Americans
 - 1) Two choices: life as docile farmers or extermination
 - 5. **Alexander Hamilton**
 - a. His understanding of **David Hume**
 - 1) Clever lawyer, clumsy politician, but usually right on the issues

- 2) Hume understood the Old Republican hatred of a **central bank**
 - 3) Manipulation of paper by stockjobbers
 - 4) Use of public credit to create a lively and prosperous society
 - b. Need for a national bank
- 6. The Two Banks of the United States
 - a. Hamilton was less hostile to Britain than Madison and Jefferson
 - b. National central administration of commercial law and finance
 - c. His monarchical bent
- 7. **Herbert Croly**
 - a. *Promise of American Life*
 - b. Modernization through national policy
 - c. Jeffersonian ends by Hamiltonian means

Review

John Adams	Benjamin Rush	Edmund Burke
John Locke	Thomas Jefferson	liberty of self-governing citizens
sources	Petition of Right	Declaration and Bill of Rights
Benjamin Constant	John Witherspoon	British Empire
proprietary colonies	doctrine of the Norman yoke	allodial landowners
Declaration of Independence	Virginia Declaration of Rights	Articles of Confederation
double sovereignty	Antifederalists	Alexander Hamilton
James Madison	John Witherspoon	father of the Constitution
Gouverneur Morris	Cicero's balanced republic	factionalism
extensive republic	majority factions	theory of cross-cutting cleavages
representation	George Washington	filtration
mixed republic	separation of powers	political sociology
militia bands	Alexander Hamilton	David Hume
central bank	Herbert Croly	

CHAPTER 17: THE FRENCH REVOLUTION AND ITS CRITICS

Outline

- A. THE LIVING REVOLUTION (616-18)
 - 1. François Furet
 - a. The Revolution is a live issue for the French
 - b. Communist and fascist movements
 - c. Historiography
 - d. Immediate refraction in political theory
 - 1) Edmund Burke and Joseph de Maistre
 - 2) Thomas Paine
 - 3) Henri de Saint-Simon
 - 2. The Revolution Was Intellectually Contentious and Politically Unpredictable
[Crane Brinton's *Anatomy of Revolution* is its classic postmortem]
 - a. It began with a riot by the Paris mob
 - b. Leading figures were bourgeois
 - c. Mixture of class warfare, police spies, and guillotine
 - 3. Innovations
 - a. Nation under arms [Army of conscripts vs. professional soldiers]
 - 1) Modern nationalism
 - b. Abolition of aristocratic privilege; end of forced labor (*corvées*) for peasants
 - c. It was unclear what political institutions it demanded
 - d. Nine forms in 42 years

- e. Instability
- 4. Failed Revolutionary Goals
 - a. Culmination in military dictatorship
 - b. Napoleon Bonaparte
 - 1) Spread revolutionary ideas throughout Europe
 - 2) Saved the Revolution by destroying the Republic
 - c. Edmund Burke
- B. BURKE'S CRITIQUE OF THE FRENCH REVOLUTION (619-22)
 - 1. **Edmund Burke**
 - a. Samuel Johnson's circle
 - b. National Register
 - c. Lord Rockingham
 - 2. Conciliatory Policies toward the American Colonists
 - a. Lord North
 - b. Portrait of a large and boisterous adolescent
 - c. British rule in India
 - 3. Political Writings
 - a. Thoughts on the Cause of the Present Discontents
 - 1) Sinecures
 - 2) Need for political parties
 - b. Speech to the Electors of Bristol
 - c. Maxims of **representative government**
 - 1) What the representative owes the constituents
 - d. Who the representative represents
 - 1) Burke's pocket borough
 - 2) Why losers should accept the outcome
 - 3) Novelty of Burke's view
 - 4. Service in the Second Rockingham Ministry
 - a. Abolition of sinecures and pensions
 - 1) Failed attempt to reform the East India Company
 - b. William Pitt ministry
 - c. Charles James Fox
 - d. Burke's thwarted hopes
 - 5. Why Burke is a Deeply Puzzling Figure
 - a. Charming writer
 - b. Accomplished philosopher
 - c. Ineffective speech-maker
- C. BURKE'S *REFLECTIONS* (622-30)
 - 1. Reactions
 - a. Thomas Paine
 - b. Mary Wollstonecraft
 - c. Appeal from the New Whigs to the Old
 - 1) **Richard Price**
 - d. Letters on a Regicide Peace
 - e. Letter to a Noble Lord
 - 2. Astonishing Work
 - a. Accuracy of his predictions
 - b. Its double origin
 - 1) Reply to a French correspondent
 - 2) Reaction to the sermon by Rev. Price
 - c. Rev. **Richard Price**
 - 1) Theory of probability
 - 2) Mortality tables
 - 3) Nunc Dimittis [Song of Simeon, Luke 2:29-32]: millennial hope
 - 4) Love of Country
 - 5) Lockean views

3. Astonishment at the Vehemence of Burke's Attack
 - a. Burke was no defender of divine right and no enthusiast for absolute monarchy
 - b. Burke's ideal: Properly balanced constitutional monarchy
 - c. Ancient constitution sanctified by prescription
 - 1) Hereditary principle in rational form
 - d. Danger of the **rationalist universalism** of the revolutionary creed
 - 1) [cf. Michael Oakeshott on *Rationalism in Politics*]
4. Publication History of *Reflections*
 - a. Inaccuracies
 - b. Imbalance between its two parts
 - c. Critical reactions
5. It Is Not Easy to Summarize
 - a. Debating Speech
 - b. Theoretical claims
 - 1) Society is not founded in a contract made in a state of nature
 - 2) It is a partnership in all science, art, every virtue, and all perfection [Partnerships do not enjoy the privilege of limited liability]
 - 3) It is generational: A partnership between the living, dead, and unborn
 - 4) Society is held together by prejudice [presuppositions]
 - a) Recreating society from scratch is beyond the powers of human reason [cf. Hayek on spontaneous order]
 - 5) We must draw on the bank and capital of the ages
 - c. Risks of revolution
6. Deepest Philosophical Premises
 - a. Three **kinds of argument**
7. First: Revolutions Are Costly in Terms of Human Happiness
 - a. Utilitarian argument
 - 1) Humans are flexible about the means for achieving human happiness [This is consistent with the nature of mimetic desire]
 - b. Neither the peasant nor the intellectual needs liberating by the other
 - 1) Intellectuals are tempted to liberate the peasant [cf. what Bastiat calls false philanthropy; such humanitarianism or social amelioration, as recommended by Francis Bacon, is a major driving force today]
 - c. Built-in advantage of the status quo
 - d. Reform is best done gradually
 - e. The doctrine of **universal natural rights** is the enemy of good sense
 - 1) Man as a collective "I" [cf. Fichte's transcendental Ego] does not exist
8. Second: **Natural Law** Is a Source of Limits
 - a. It is of **divine ordination**
 - b. Burke as a defender of ***mos maiorum*** [traditional Roman values, including *fides*, *pietas*, *religio*, *cultus*, *disciplina*, *gravitas*, *constantia*, *virtus*, *dignitas*, *auctoritas*]
 - 1) Cicero
 - 2) Montesquieu
 - 3) Assumption of a fundamental harmony between things
 - c. "Unnatural quality" of revolutionaries
 - 1) It is a world upended by deranged intellectuals
 - d. Social mobility
 - e. Open membership into the landed gentry
 - f. Adam Smith
 - g. American whalers
 - h. Burke believed in a flexible order and was not a devotee of a caste system
9. Third: Burke's Attachment to Traditional Religious Forms
 - a. The body of prejudices constitutes a civic religion
 - b. Religion is indispensable for public morality
 - c. Question whether a modern society could survive the "death of God"
 - 1) Karl Marx

- 2) **Auguste Comte**: Religion of humanity
 - d. Burke was a deeply religious thinker
 - 1) Religion must be institutionalized
 - e. Revolution was a blasphemous undertaking
- D. BURKE AND THE MODERN IDEA OF REVOLUTION (630-34)
 - 1. Reconceptualization of Revolution
 - a. Burke invented the modern idea of revolution and made the classical conception obsolete
 - b. Classical view
 - 1) Good revolution: Return to first principles
 - 2) Other image: Simple catastrophe
 - 2. Modern Ideas about Progress
 - a. Idea that society is in constant flux
 - 1) Fundamental institutional alteration [radical social upheaval]
 - b. Burke's understanding
 - 1) Burke's became the canonical view of revolution
 - 3. Burke's Predictions
 - a. His prescience
 - b. His well-stocked historical intelligence
 - 4. Strength of the *Reflections*
 - a. France's ***ancien régime***
 - 1) Aristocracy's economic privileges compensated for its powerlessness
 - 2) Low political schemes
 - b. Burke did not wish to exculpate the *ancien régime*
 - 1) Its bankruptcy and vulnerability to periodic discontent [Andrew Dickson White's *Fiat Money Inflation in France* focused on economic manipulation]
 - 2) State of the church
 - 5. What Keeps Disaffection from Breaking out in Insurrection?
 - a. Morality of Revolution
 - b. The causal question
 - c. Why do habits of obedience break down so swiftly when they do?
- E. JOSEPH DE MAISTRE (634-36)
 - 1. Full-Blown, Theologically Based Absolute Reaction
 - a. Burke was an enraged liberal
 - b. **Joseph de Maistre**
 - 1) Savoyard diplomatic service
 - 2) *Considerations sur la France*
 - 2. De Maistre's Image of Authority
 - a. Burke's image
 - 1) Marie Antoinette's star quality
 - 2) Governance by seduction
 - b. De Maistre wants authority to break our will to resist
 - 1) Inscrutable and terrifying God
 - 2) Counter-Enlightenment
 - c. Authority must be unchallengeable
 - d. Rousseau blamed
 - 3. Providential Explanations
 - a. Rev. Richard Price
 - b. De Maistre started a train of thought
 - c. Maurice Barre's and Georges Sorel
 - 4. Critics of the Revolution had the Best of the Argument
 - a. Failure to achieve a stable outcome
 - b. But its defendants did not abandon it
 - c. Revolutionary élan exported

- F. **THOMAS PAINE (1759-1804)**
1. Paine's Background
 - a. *Common Sense*
 - b. *The American Crisis*
 2. Citizen of the World
 - a. ***Rights of Man***
 - 1) Seditious libel
 - b. Falling out with Marat
 - 1) He was slated to be executed
 - c. *Age of Reason*
 - d. Thomas Jefferson stood by him
 - e. Paine the agitator
 3. Rights of Man, Part One
 - a. His optimistic rationalism
 - b. Politics is a necessary evil
 - c. **Minimalistic state**
 4. Rights of Man Part Two
 - a. Program for a very **extensive welfare state**
 - b. Case for a confiscatory taxation on very high incomes
 5. Defense of the Enlightenment View of Revolution
 - a. Most tasks performed by government need not be
 - b. Confidence in the ability of ordinary people to govern themselves
 6. Wickedness of the British Government
 - a. Absurdity of the **hereditary principle**
 - 1) Hume's rationale for it
 - 2) Paine's contempt
 - b. Electoral process
 7. Idea of **Universal Human Rights**
 - a. Human equality and rationality taken as a given
 - b. Attitude to Burke
 - c. Burke's indignation at the treatment of the queen
 - 1) Political drama
 - d. Paine refused to engage with Burke's argument
 - 1) Goal: a bourgeois commercial republic with a safety net
 8. How Did the Radicals Manage to Support the Revolution?
 - a. Paine, Godwin, and Wollstonecraft anticipated **reign of universal peace**
 - b. How did they avert their gaze from the violence and chaos
 - c. Tocqueville on the savagery of the suppression of discontent
 9. Accounting for the Disgusting Murderousness of the Partisan Mob
 - a. Brutality and irrationality
 - b. Carnival atmosphere
 - c. Rioters and looters **wreck their own neighborhoods**
 - 1) Submitting to the disciplines of self-restraint is hard work; violence and cruelty are fun
 - d. St. Augustine, Hobbes, and Freud would have been less surprised
 10. Millenarian Element: Republics Governed by Reason, Monarchies by Ignorance
 - a. Price's *Nunc Dimittis*
 - 1) Millenarian element in Paine's reason vs. ignorance dichotomy
 - b. Paine and Burke's rhetoric
 - c. But indulges his own
 11. Rhetorical Dichotomy between Death and Life
 - a. Paine's and Burke's best arguments
 - 1) Paine: Each generation has an indefeasible right to decide for itself
 - 2) Burke: The securest political title is prescription
 - b. Paine's version of Burke's argument: The dead are to rule the living
 - c. He then applies the argument to despotism

12. Defense of the Doctrine of Human Rights
 - a. Government must have a pedigree
 - b. Prescription must show its legitimacy
 - c. Conquest in itself conveys no title
 - 1) Analogy to false imprisonment
 - 2) If subjects can recover their liberty, they should [cf. Rousseau]
 13. Paine Was Not Utopian
 - a. William Godwin's fancies: "Euthanasia of government" and "immortality"
 - b. Free and equal persons must give up many of their natural rights when governments are set up
 - c. Rights we can exercise by our own unaided effects are never given up
 - 1) There is no reason to curtail our intellectual and religious liberty
 - d. Church establishments violate liberty
 14. Most Rights Fall into a Gray Area
 - a. Hiring ourselves out come close to being a natural right that can be exercised without assistance [an argument that can be used against guilds and closed shop unions]
 - b. Property and contracts must be regulated by the state because they depend on the help of others [Tocqueville's voluntary associations can meet this exigency]
 - c. Inherited wealth
 - d. Division of large estates
 - 1) Gross inequalities may be created by unregulated bequests
 - 2) Paine wants large estates to be divided among the needy
 15. French **Declaration of the Rights of Man and Citizen**
 - a. **Essence of political liberty** is to be found in the first three clauses
 - 1) Equal rights
 - a) Marx's bourgeois right: Equal rights to unequal outcomes
 - 2) End of all political associations: The preservation of rights
 - 3) Nation is the source of all sovereignty, nor can any individual or body of men be entitled to any authority not expressly derived from it
 - b. Paine fails to do justice to the fourth clause: The exercise of the natural rights of any man are bounded by the similar rights of others
 16. Novelty of the French Revolution
 - a. Paine complained that Burke saw only the disorder
 - b. It embodied a discernible principle: The **idea of progress**
 - c. Many of the American founders wanted a political revolution without a social one
 17. Paine's Critical View of England
 - a. No Constitution
 - 1) A system of **hereditary jobbery** [rent-seeking] and place hunting
 - 2) **Norman Yoke**: William the Conqueror and the landed nobility
 - 3) Established church yoked to the regime of jobbery
 - 4) **Toleration**: A great piece of despotism
 18. French Revolution Did Not Create a Bourgeois Republic
 - a. Collapse of Second Empire 1870
 - b. It provoked two decades of war
 - c. End of old-fashioned absolute monarchy
 19. Marxist View: It Was the Paradigm Case of a Bourgeois Revolution
 - a. Shattering of existing social and political forms caused by gradual progress of the bourgeois
 - b. Bourgeois achieved emancipation but the proletariat merely changed masters
 20. Tocqueville's and Michelet's Views
 - a. Tocqueville: Fatal alliance between dissident aristocrats and rationalist intellectuals
- G. SAINT-SIMON (647-51)
1. Background
 - a. **Henri de Saint-Simon** and Saint-Simonianism

- b. Power of ideas
 - c. Importance of rational management
 - d. Miracles of productivity are latent in modern industrial society
 - e. Ferdinand de Lesseps
- 2. Mental Illness and Influence
 - a. Appropriation by Emile Durkheim: Moral cohesion of society
 - b. Friedrich Engels: Society as a mechanism for producing the means of life
 - c. Passion for designing utopian communities
- 3. Organic View of Society
 - a. Corporatist of a religious bent
 - 1) Meritocracy
- 4. French Revolution Marked a Decisive Break in European History
 - a. The **social question**
 - 1) The role of the poor
 - b. The subject matter of politics had changed
 - 1) Authority presupposed forms of social integration it could not supply but must draw on
 - 2) Political sociology
- 5. **Religion of Humanity**
 - a. The new Christianity
 - b. Different talents
 - c. Rational society run by a hierarchical organization of managers and scientists
 - 1) **Auguste Comte**
 - d. Modern world seen as the product of a **managerial revolution**
 - e. Comparison with Plato and the Fabian socialists
 - f. Rational authority will be supplemented by the poetic and affectual
 - g. Abolition of politics in favor of the administration of things
- 6. Why the Revolution Broke Out
 - a. Old regime authority was medieval, not modern
 - b. Productive classes
 - c. Ruin of the monarchy and nobility was a failure of the elites
 - d. His persuasive picture of industrial society
- H. RETROSPECT (651)
 - 1. Astonishing Series of Events
 - a. Disastrous effect on later revolutionaries
 - 1) Like generals who habitually fight the last war
 - 2) Hegel

Review

Edmund Burke	representative government	Richard Price
rationalist universalism	kinds of argument	universal natural rights
natural law	divine ordination	<i>mos maiorum</i>
<i>ancien regime</i>	Joseph de Maistre	Thomas Paine
<i>Rights of Man</i>	minimalistic state	extensive welfare state
hereditary principle	universal human rights	rioters wreck their own neighborhoods
Declaration of the Rights of Man and Citizen		essence of political liberty
idea of progress	hereditary jobbery	Norman Yoke
toleration	Henri de Saint-Simon	social question
religion of humanity	Auguste Comte	managerial revolution

CHAPTER 18: HEGEL: THE MODERN STATE AS THE WORK OF SPIRIT

Outline

- A. HEGEL'S GERMANY (652-54)
 - 1. Germany: A Political Entity
 - a. Multitude of states
 - 1) Prussia and Austria
 - b. German unification by force of arms
 - 2. Hegel's Background
 - a. Father a civil servant
 - b. Chair of philosophy
 - c. **Napoleon** at the Battle of Jena: "The World-Spirit on horseback"
 - 3. Publications and Activities
 - a. ***Phenomenology of Spirit***: Completed just before Napoleon's arrival
 - b. Headmaster of a Gymnasium
 - c. Science of logic
 - d. Johann Gottlieb Fichte [advocate of a Prussian system of education]
 - 4. The Berlin Chair as a Cultural Landmark
 - a. Prussian aspirations
 - 1) Bedazzled by Napoleon
 - 2) Military humiliation
 - 3) Credibility of the Prussians state put in doubt
 - b. Move for further reform
 - 1) Appointment on merit
 - c. Defeat of Napoleon emboldened conservatives
 - d. Political reforms withdrawn
 - 1) University censorship reimposed
- B. REPUTATION (654-56)
 - 1. Its Fluctuations
 - a. Arthur Schopenhauer
 - b. J.N. Findlay
 - c. Karl Marx
 - 2. His Metaphysics
 - a. We may see his philosophy as an elaborate allegory
 - b. He was part of a post-revolutionary intellectual movement
 - 1) Its tenets [historicism]
 - c. The theories are seen as metaphors at best
 - 3. ***Philosophy of Right***
 - a. Orderly administration of public affairs
 - 1) Essay on the Reform Bill of 1832
 - b. ***Philosophy of History***
 - 4. Sequence of Analysis
 - a. Logic of this approach
 - 1) French Revolution made everyone aware of the irreversibility of historical change
 - 2) Need to reconcile ancient (citizen) and modern liberty (laissez faire)
 - b. Anxious note
 - 1) Is this the first statement of the inescapability of the modern bureaucratic State? [cf. Max Weber and the question of whether the Persians defeated the Athenians, p. 651, which may be compared with William Graham Sumner's *The Conquest of the United States by Spain*]
- C. PHILOSOPHY, NOT POLITICAL ACTIVISM (657-58)
 - 1. Posthumous Reputation as the Embodiment of Prussianism [cf. Oswald Spengler]
 - a. Distinction between activist and philosopher
 - 1) Philosophy is retrospective

- 2) Philosopher's task is to uncover the meaning of what we do
 - b. What philosophy does rationally, religion does pictorially
- 2. Idealism
 - a. John 1:1
 - b. Hegel believed that mind came to understand itself only by manifesting itself in the created world
 - c. Hegel rejected the notion of a God independent from its own creation
- 3. Mind Dependency of the World
 - a. Intelligibility of the world is not accidental
- D. *THE PHENOMENOLOGY OF SPIRIT* (658-62)
 - 1. Unrepeatable Masterpiece
 - a. Its sweep
 - b. Account of the **master-slave dialectic**
 - c. **Imaginative freedom** is the essence of mind
 - 1) Freedom is the origin of knowledge and the source of value
 - d. We transform the world in thought and turn it to our purposes
 - 2. **Persons** Are Essential
 - a. We (the embodiment of Mind and the bearers of desires) are essential
 - b. All human activity shows that we are free and all else the raw material of our freedom
 - 1) Consumables gain value by becoming part of *us*
 - c. World's reality is a practical, not a theoretical issue
 - d. Thought begins in action
 - 3. Dialectic of Master and Slave
 - a. Otherness: The mind confronts the material world as something "other" [cf. Hobbes]
 - b. Taking ownership requires mastery
 - c. Problem of other human beings
 - 1) They pose a threat to our belief that the world is ours
 - 2) They have a point of view of their own
 - 3) Their view of the world poses a cognitive dissonance [zero-sum game]
 - 4. **Competition of Viewpoints**
 - a. Initial dyadic confrontation
 - 1) The only ultimate solution: We must all acknowledge each other as equally free and entitled to use the world on equal terms
 - b. Hegel begins with two antagonistic projects [status politics]
 - 1) I wish to be acknowledged as master of the world and you as inessential
 - 2) I cannot wholly reduce you to the status of a mere thing
 - 3) For me to be sure of my status, you must acknowledge it
 - 4) The conqueror who is unafraid of death is destined to be master
 - 5) The one who would rather live a slave than die a hero becomes the slave
 - 5. Fraught Relationship between Master and Slave
 - a. Master's superiority
 - b. Master gains a victory over the material world
 - 1) A blow for one kind of human freedom
 - c. The worm in the apple
 - 1) A slave's recognition of the master is tainted because it is extorted
 - 6. Hegel's Discussion Is Full of Holes as Well as Insights
 - a. Ownership of slaves secures recognition from other slave owners
 - b. Slave-owning society encourages **ostentatious consumption** [cf. Thorstein Veblen's conspicuous consumption]
 - 1) Such societies are economic and technological dead-ends
 - 2) Benjamin Rush and other critics of the slave-owning South
 - 3) It is a complaint against the heroes of the Iliad and their lack of self-control: Adults that exhibit the cruelty, greed, petulance, and volatility of small children

7. Hegel's Teleological View of the Human Spirit's ascent to freedom
 - a. The slave owner is a cultural dead end
 - 1) He aspires to the false freedom of the indulged child
- E. STOIC FREEDOM (662-64)
 1. The Slave Owns the Future
 - a. He is discipline
 - 1) Acquisition of self-mastery
 - b. The slave, in principle, can understand what human freedom is
 - c. The slave's withdrawal of desires and consensus from the world renders him invulnerable
 - d. The master's passion for the control of another is the real loss of freedom
 2. Insight of **Stoicism**
 - a. Accusation of mistaking withdrawal for liberation
 - 1) An account of how the slave could be his own master
 - b. Claim that a slave can be happy
 - c. The paradox: Ascribing freedom to the unfree
 - d. Roman free man (*liber*) defined in contrast to the slave
 3. Master's Attempt to Subdue the Slave's Will
 - a. Stoic insight: Slaves' ability to choose
 - b. Hegel's critique: The Stoic slave chooses between evils
 - c. Hobbes' view of freedom is that of the Stoics
 - 1) Most people would disagree
 4. Hegel: The **Essence of Freedom** Is That We Obey Only Ourselves [cf. Rousseau]
 - a. Conditions of autonomy or self-government
 - b. Hegel: Heir to Rousseau and Kant
 - c. Who cannot be free and why: Child, lunatic, addict
 - d. Stoicism was a retreat from the world; freedom consists in mastering and enjoying it
- F. THE PHILOSOPHY OF HISTORY (664-68)
 1. Encyclopedia of the Philosophical Sciences
 2. Philosophy of History
 - a. **Theodicy**: Justification of the ways of God to man
 - 1) Nothing happens without God; everything is the work of God
 - b. History as a "slaughter bench"
 - c. **Weltgeschichte**
 - 1) Very few lives interest philosophical history
 - 2) Eurocentric vision of history
 - d. United States and Russia [cf. Tocqueville]
 3. Triadic History of Freedom
 - a. History as the history of freedom
 - 1) Progress from one to a few to all are free
 - b. This claim is hard to swallow
 - 1) Civic life of the Greek and Roman city-states seems lost amid our mixture of civil rights and market freedoms
 - 2) Freedom seems an uncertain achievement rather than inscribed in history
 - c. Hegel's nostalgia for ancient Greece
 4. Impossibility of Reviving the Politics of the Beautiful Youth or Humanity
 - a. Socrates anticipated Christ
 - b. Christian conception of the **inner liberty** of the individual
 5. Human Will Is the Source of Freedom [Voluntarism = Will-ism]
 - a. **Oriental despotism**: Only one man is free
 - b. There is no politics in such an environment
 - c. Plato's vision of a polity ruled by philosophers
 - 1) Aristotle: Plato's collapse of politics into philosophy
 - 2) Politics is necessarily lost in a unity of wills

6. Despotism Contradicts Politics
 - a. Many Greek city-states lived under the Persian sway
 - b. Hegel's is a **history of conceptualizations** [cf. Max Weber's ideal-types, Arthur Schopenhauer's *The World as Will and Representation*]
 - 1) The owl of Minerva flies only at dusk
7. **Greek Polis**
 - a. Institutionalization of the thought that some are free
 - 1) Citizenship was limited
 - 2) Dependence on slavery
8. **Benjamin Constant**
 - a. Undermined nostalgia for the liberty of the ancients
 - b. Some elements were necessary for the survival of modern liberty
 - 1) Need for active citizens
9. Inadequacy of the Greek conception of freedom
 - a. Not all elements of the good life can coexist
 - b. Athens' aesthetic unity of everyday life would be claustrophobic for us
 - c. Absence of respect for the **individual conscience** would be oppressive for us
 - 1) The individual conscience is the gift of the Reformation
- G. THE INADEQUACY OF GREEK INSTITUTIONS (668-71)
 1. Unity of Individual and Polis Was Fragile
 - a. Politics always on the verge of degenerating into civil war
 - 1) City-states could not coalesce to resist Macedon or Rome
 - b. **Socrates** as the death knell of Athens
 - 1) He revealed that true autonomy is founded in our ability to govern ourselves by the light of reason
 - 2) Absence of coercion from others is insufficient; it is only a condition of freedom
 2. Socrates Prefigured Christ
 - a. But the full implications the working out of the Christian understanding
 - b. Society showed the philosophical inadequacy of the world-spirit
 3. **Alexander** Showed the Inadequacy of Greek Political Organization
 - a. Alexander brought the Greek experiment to an end; then history tossed him aside
 4. Ironic Notion of the **Hero** in History
 - a. World-Historical individuals
 - 1) **Great man theory** of history [cf. Thomas Carlyle and Sidney Hook]
 - b. The irony of history
 5. Anyone of Analytical Philosophical Bent Is Made Uneasy
 - a. Hegel's theodicy
 - 1) History makes sense
 - 2) But it is a slaughter bench [cf. Franz Rosenzweig and David P. Goldman]
 - b. Process Philosophy: Idea of a drama that writes itself is not an easy one to grasp
 6. We Know the Plot Once We Grasp Hegel's Affection for the World of the Ancient Greeks
 - a. Actualization of freedom
 - 1) Christian conception of the infinite value of the individual soul will ground inward freedom
 - 2) A legal-rational state will ground outward freedom
 - b. Rational autonomy is neither arbitrary nor engulfed in loyalty to the polity (republican vision)
 - c. Roman contribution to rational freedom: Combination of rule of law and efficient but soulless administration with Christian submission to God's will
 - d. Dead ends that Hegel rejects: Pure asceticism and Kantian ethics
- H. THE PHILOSOPHY OF RIGHT (671-75)
 1. *Via Media* between Community and Individuality
 - a. **Sittlichkeit**
 - 1) Rationally defensible moral principles that can be embedded in habit and

- Custom
 - 2) Reason embodies itself in the practices of post-Reformation Europe
 - 3) **Objective Mind:** History and politics
 - b. The German World
 - 1) Charlemagne's Europe
 - 2) Instantiation of concrete freedom and practical reason
 - 2. Philosophy of Right
 - a. World of Objective Mind
 - 1) Intelligence is embodied in institutions whose meaning must be elicited by the philosopher
 - 3. Treatise in Philosophical Jurisprudence
 - a. Contrast with **Jeremy Bentham**
 - 1) Bentham: Utility, not reason, drives the argument
 - 2) Hegel thought that happiness is too indeterminate a goal
 - b. Hegel, like Hobbes, builds on the will
 - c. Hobbes's sovereign rests on the will of his subjects
 - d. Hegel found reliance on individual wills to be insufficient
 - 4. **Hegel's General Will** Is Unlike Anything Envisaged by Rousseau
 - a. It is not based on abstract rules of conduct (deontology) but on a will that grows out of people's education and socialization
 - b. General will of the French Revolutionaries was contentless
 - 1) Resulting capriciousness
 - c. Hegel's argument is Burkean
 - 5. Two Triadic Structures
 - a. The conceptual structure
 - 1) Abstract right, morality (*Moralität*), and ethical life (*Sittlichkeit*)
 - 2) Development of *Sittlichkeit* as something rational as well as customary
 - b. The **institutional structure**
 - 1) Family, civil society, and the state: Different facets of the institutionalization of modern moral life
 - 6. Discussion of **Civil Society**
 - a. Collapse of communist autocracies of East Europe
 - 1) Deficiencies of regimes with weak civil societies
 - 7. The **Goal of Political Philosophy**
 - a. Achieve understanding, not to offer advice [philosophy for philosophy's sake]
 - 8. The Basis of Right Is the Realm of the Spirit in General
 - a. Its precise point of departure is the will
 - 1) The will being free, the system of right is the realm of actualized freedom
 - 2) Rules are needed to control and license desires (**autonomy**, self-government]
 - 3) Well-ordered rules allow rights-bearers to interact as persons
- I. ABSTRACT RIGHT (675-79)
- 1. Property Rights
 - a. Relationship between person and thing is considered abstractly
 - 1) **Principle of Right:** We recognize persons as such and recognize their rights as the rights of persons
 - 2) Respecting another person's ownership
 - b. How we respect the **legal personality** of others
 - 2. Rights Are Grounded in Possession of Some Sort
 - a. Property is about control
 - 1) Right to act as a free agent
 - 2) Possessory rights over myself
 - 3) We do not *own* ourselves but no one else can own us
 - 3. **Slavery** is Absolutely Wrong
 - a. Inadequacy of a utilitarian argument against slavery
 - 1) Its vulnerability to factual evidence

- 2) John Stuart Mill on the legitimacy of despotism in dealing with barbarians
4. A Rights-Based Condemnation Cuts through These Arguments
 - a. Many kinds of slavery
 - b. Hegel was not interested in trade-offs
 - c. Rights are not utilitarian devices
 - d. Utilitarian consideration provide a springboard from which rights-based relationships are launched
 - e. Once launched, they have their own logic and surpass these considerations
5. **Free Labor**
 - a. The claim does two different things
 - 1) It distinguishes the modern free laborer from the indentured servant
 - 2) It opens the door to the claim [by Marx] that the modern worker is really a slave
6. Hegel's Account of Property Rights
 - a. Right of a free will to put itself into any unoccupied thing
 - 1) Ownership lends things a human quality by infusing them with our wills
 - b. Hegel does not distinguish **rights ad personam** from rights *in rem*
 - 1) All rights are *ad personam*
 - c. The question is how we give our purposes to the external world
 - 1) John Locke reduces all forms of acquisition to work
- J. ACQUISITION (679-81)
 1. Another Triad
 - a. Consumption
 - 1) Annihilates nature
 - b. Working
 - 1) Transforms nature
 - 2) Degrees of ownership
 - 3) Lockean *prelegal* view: Individual's transformation of nature secures possession
 - 4) Wages are his pay rather than part ownership once there is a legal system
 - 5) Human intelligence is embodied in the world on which humans have worked; all the rights are now mediated by things [cf. Pierre Teilhard de Chardin's idea of a Noösphere]
 - 6) Different kinds of work attach us to the world in different ways
 - 7) Lifestyle and allegiance of different estates
 - c. Marking something as mine
 - 1) Roman law notion of the natural modes of acquisition
 - 2) We acquire a right by asserting it
 - 3) Common law rules of adverse possession reflect a similar assumption
 2. Appearance of Circularity
 - a. Hegel's genetic method
 - 1) The ability to mark things as ours is a prerequisite to contracts
 3. The Nature of Contract
 - a. The transferred object remains owned throughout the transfer
 - b. Entitlement
- K. **MORALITÄT** (681-83)
 1. Idea of Wrongs and Punishment
 - a. Penalties for breach of right
 - b. **Guilty Conscience**
 2. Morality: Conscience as an Internal Lawgiver and Judge
 - a. **Immanuel Kant** on morality
 - 1) Mistaken maxims generate contradictions
 - 2) The principle that lying is permissible is self-defeating

NOTE ON KANT: "Kant's first formulation of the CI [categorical imperative] states that you are to "act only in accordance with that maxim through which you can at the same

time will that it become a universal law.” (G 4:421) O'Neill (1975, 1989) and Rawls (1989, 1999), among others, take this formulation in effect to summarize a decision procedure for moral reasoning, and I will follow them: First, formulate a maxim that enshrines your reason for acting as you propose. Second, recast that maxim as a universal law of nature governing all rational agents, and so as holding that all must, by natural law, act as you yourself propose to act in these circumstances. Third, consider whether your maxim is even conceivable in a world governed by this law of nature. If it is, then, fourth, ask yourself whether you would, or could, rationally *will* to act on your maxim in such a world. If you could, then your action is morally permissible.” – Stanford Encyclopedia of Philosophy, “Kant’s Moral Philosophy” <http://plato.stanford.edu/entries/kant-moral/>

- b. Hegel demurs
 - 1) Sublimity of Kant’s insistence that the dictates of duty [deontological ethics] and the demands of reason must coincide
 - 2) But these standards cannot be upheld
- 3. Hegel’s Two Attacks
 - a. Frontal
 - 1) Kant’s non-contradiction principle [which is perhaps indirectly implicated] cannot generate an ethical system unless it is supplemented by an appeal to consequences
 - 2) Kant’s **argument against suicide**: “If we all commit suicide, nobody is left to follow the [universal] injunction to kill ourselves. If we do not care that the human race has come to an end, the argument fails.” It may be considered a question whether misanthropy or even “anthropocide” can be formulated into a universal law.
 - b. Flanking
 - 1) Kant’s conception of morality led to the descent into the terror
 - 2) Problem: Extreme moral individualism combined with extreme Rationalism
 - 3) The whole trumps the part
- L. ETHICAL LIFE: *SITTICHKEIT* (683-84)
 - 1. Institutions of the Rational Modern Political Community
 - a. Triadic analysis
 - 1) Family
 - 2) Civil Society
 - 3) State
 - b. Their relationships
 - 1) Modern nuclear family
 - 2) Civil Society managed by well-ordered administrative state
 - a) Predecessors misidentified the state with civil society
 - 3) State: Constitutional arrangement
 - a) Warfare and sacrifice
- M. THE FAMILY (684)
 - 1. Realm of Subjectivity
 - a. Marriage is not a contract
 - b. A given family is intended not to endure
 - 1) Children must leave its altruistic world
- N. CIVIL SOCIETY (685-88)
 - 1. **Bürgerliche Gesellschaft**
 - a. Realm of contractual relationships
 - 1) It is built on individual self-interest
 - 2. **Adam Smith’s Invisible Hand**
 - a. Pursuit of self-interest promotes the general interest
 - b. Three areas of interest
 - 1) Triadic structure
 - 2) Social structure
 - 3) Reparative Institutions

- c. Three analytical frameworks
 - 1) **Police**: Regulatory system
 - 3. System of Needs
 - a. Regulated capitalist economy
 - b. Three estates (**Stände**)
 - 1) Universal class
 - 2) Management by experts
 - 3) **Pöbel**: Rabble of paupers
 - 4. Corporations
 - a. Professional guilds
 - b. Two thoughts that make Hegel vulnerable to Marx
 - 1) Substantial vs. formal class
 - 2) Disinterested management in the public interest
 - 5. Capitalism with Its Booms and Busts
 - a. Regulatory role for government
 - b. Marx's criticism
 - c. Justification for a modern welfare state
 - d. Dangers of indiscriminate welfare
 - e. Emigration and colonization as a safety value
- O. THE STATE (688-94)
 - 1. Hegel's Confidence in the Administrative Capacity of the Modern State
 - a. Question of whether Hegel leaves enough room for man as citizens rather than subjects
 - 2. Representative System
 - a. A rational state must allow for representation of interests
 - b. **Stände** as corporate representation
 - 3. Triadic Framework
 - 4. Constitution
 - a. Two surprises in the account of the constitution
 - 1) Modern state must be a **constitutional monarchy**
 - 2) State's religious role
 - a) Need for separation
 - b) Legal disabilities aimed at Jews: He contended that sabbatarianism and dietary laws made Jews only dubious members of modern civil society
 - c) Hegel may have been deflating the role of religion rather than deifying the Prussian state
 - b. Summary of Hegel's views
 - 1) Division of powers
 - 2) Representation of landed nobility and administrators
 - 3) Democracy condemned
 - 4) Doctrine of virtual representation
 - 5) Enlightened administrators were his best hope for progressive change
 - 5. Disdain for the Idea That There Could Be a Contract between the Individual and the State
 - a. Contracts depend on a state to enforce them
 - b. Kant's hypothetical contract
 - c. Hegel: **Essence of the state** is to exact unconditional obedience
 - 1) It holds our lives in its hand because it is entitled to send us to war
 - 6. Essence of the State: Unconditionality of Our Allegiance
 - a. The state is most visibly itself in the international sphere
 - b. War preserves the ethical health of state [cf. Randolph Bourne]
 - c. Projects for perpetual peace (Rousseau and Kant)
 - 1) They would produce stagnation
 - 7. Normality of War as a Method of Resolving Disputes
 - a. Force employed in a measured fashion to secure national objectives
 - b. **Carl von Clausewitz**

- c. Ultimate *raison d'être* of states is their ability to resist the incursions of other states
- 8. The **Stage of World History**
 - a. Willful freedom of the one in ancient empires
 - b. Universality of freedom required modern states
 - c. Hegel does not espouse either Prussian or German nationalism
 - 1) The **nation** is valued as an instrument of a larger historical process
 - 2) It will be discarded once its time is up [cf. Marx's withering away of the state]
 - 3) The larger purpose of the state: Spiritual freedom promoted by cultures sheltered by the state
- 9. Difficulties Coming to Terms with Hegel
 - a. Various pigeonholes
 - 1) Liberal
 - 2) Conservative
 - 3) Preference for administration over politics
- 10. Whether the Persians Had Belatedly Conquered the Greeks
 - a. Bureaucratic delivery system
 - b. Bases of the modern state's legitimacy
 - 1) How the state betrays itself
 - c. Subsequent history of Prussia
 - d. Hegel was looking back not forward

Review

Napoleon	<i>Phenomenology of Spirit</i>	<i>Philosophy of Right</i>
<i>Philosophy of History</i>	master-slave dialectic	imaginative freedom
persons	competition of viewpoints	ostentatious consumption
Stoicism	essence of freedom	theodicy
<i>Weltgeschichte</i>	inner liberty	oriental despotism
history of conceptualizations	Greek <i>polis</i>	Benjamin Constant
Socrates	Alexander	hero
great man theory	<i>Sittlichkeit</i>	objective mind
Jeremy Bentham	Hegel's general will	institutional structure
civil society	goal of political philosophy	principle of right
legal personality	slavery	free labor
rights <i>ad personam</i>	guilty conscience	Immanuel Kant
argument against suicide	<i>Bürgerliche Gesellschaft</i>	Adam Smith
invisible hand	police	<i>Stände</i>
<i>Pöbel</i>	constitutional monarchy	essence of the state
Carl von Clausewitz	stage of world history	nation

CHAPTER 19: UTILITARIANISM: JEREMY BENTHAM AND JAMES AND JOHN STUART MILL

Outline

- A. GODFATHER, FATHER, AND SON (695-99)
 - 1. Roots of Modern Liberalism
 - a. Reforming project **John Stuart Mill** inherited
 - b. **Jeremy Bentham**
 - 1) Enthusiast for parliamentary reform
 - 2) American Revolution

- a) **Natural rights:** Nonsense on stilts
- 2. Important figures in the history of Anglophone jurisprudence
 - a. Positivist theory of law [legal **positivism**]
 - b. Critique of **William Blackstone**
 - c. **Codification**
 - d. **Principle of utility**
- 3. Prison Reform
 - a. **Panopticon**
 - 1) A mill for grinding rogues honest
- 4. Principles of Morals and Legislation
 - a. Two sovereign masters: Pleasure and pain
 - b. **Felicitific calculus**
- 5. **James Mill**
 - a. Highly competent economist
 - b. East India Company
 - c. Philosophical radicals
 - d. Political theory
- 6. His Approach to Universal Suffrage
 - a. Women subordinate to their husbands
 - b. Voting age of forty
 - c. No franchise for working men
 - d. **Thomas Babington Macaulay's** critique
- 7. Three Important Issues
 - a. Bentham's libertarian view of the relationship between freedom and happiness
 - 1) Decriminalization of homosexual behavior
 - 2) Priority of happiness
 - b. Relationship between politics and administration
 - 1) **Government House morality**
 - 2) Question whether politics is to be taken seriously
 - 3) Instrumental view of government
 - c. Ambiguity of the **individualism** of utilitarian ethics
 - 1) Its goal is maximizing the sum of human happiness
 - 2) Two approaches: autonomy and self-actualization vs. rational benevolent management
- B. MILL'S AUTOBIOGRAPHY (699-703)
 - 1. John Stuart Mill
 - a. Education: a course of Benthamism
 - 2. Career
 - a. East India Company
 - b. Member of Parliament
 - 3. His Education
 - a. Greek and Latin
 - b. Tutorial Instruction
 - c. Teaching his sisters
 - 4. France
 - 5. Work at India House
 - a. Work with Bentham
 - 6. Life Changing Experience
 - a. Depression
 - b. Emotional awakening
 - 7. Two Conclusions
 - a. Education must cultivate the emotions as well as the intellect
 - b. Importance of non-utilitarian moral and political values
 - 1) **Idea of autonomy**
 - 2) Greek idea of **crisis**
 - 8. Nineteenth Century Obsession with Revolution

- a. Attempts to detect the moment of crisis
 - b. Mill's reading of Hegel
- C. TUTOR TO THE NATION (703-07)
 - 1. Mill's Mental Crisis
 - a. London and Westminster Review
 - b. **Harriet Taylor**
 - c. Social withdrawal
 - d. Mill became a one-man educational institution
 - 2. Publications
 - a. Critique of Bentham
 - b. Promotion of Tocqueville
 - 3. *A System of Logic*
 - a. Critique of intuitive capacities
 - b. Attack on conservative opponents
 - 4. Two Positive Aims
 - a. Social sciences
 - 1) Economics not a model but a hypothetical discipline
 - 5. Political Practice must rest on a historically sensitive political sociology
 - a. **Ethology**
 - 1) Science of national character
 - 2) **Alexis de Tocqueville**
 - b. Victorian Britain must establish an appropriate form of liberal democracy on a lasting basis
 - 1) Ordinary people have to be emancipated without casting them adrift
 - 2) Representative government
 - 6. *The Principles of Political Economy*
 - a. Mill deplored the deterministic picture economists represented
 - b. Victorian capitalism
 - c. Socialism based on **worker-owned cooperatives**
 - 1) Political democracy insecure in the absence of economic democracy
 - 7. **On Liberty**
 - a. Marriage to Harriet Taylor
 - 1) Both has consumption (tuberculosis)
 - b. Her death
 - c. The work's capacity to spark enthusiasm and outrage
 - 1) Czarist censors
 - 8. Other Works
 - a. *Utilitarianism*
 - b. *Considerations on Representative Government*
 - c. *The Subjection of Women*
 - d. Posthumous work
 - 9. Retirement
 - a. Liberal MP
- D. RETHINKING UTILITARIANISM (707-14)
 - 1. Difficulties of Defusing the Illiberal Implications of Utilitarianism
 - 2. British Politics Suffered from an Absence of Systematic Thinking
 - a. "The Spirit of the Age"
 - b. Lack of a national **clerisy**
 - 1) **Samuel Taylor Coleridge**
 - 3. Utilitarian Creed for the Clerisy
 - a. Utilitarianism is secular and universalist
 - b. Moral good and evil
 - 1) **Morality** is a system of rules of conduct we collectively impose on ourselves and enforce with **psychological sanctions**
 - c. Positive morality [cf. Hegel] vs. critical morality
 - 4. Sociological View of Morality

- a. Morality is an institution
 - 1) Individuals need many forbearances from each other
 - 2) We owe **duties** only to other people; we have no moral relations with ourselves
- 5. Morality Is Concerned with the Business Side of Life
 - a. No inspiration for self-development
 - b. Three dimensions of behavior
 - 1) Behaving well or wrongly: Imprudence might damage our interests
 - 2) Behaving immorally: Endangering others is a violation of duty to the interests of others
 - 3) Aesthetic: Assessment of behavior along the spectrum of noble to base
- 6. Bentham Ignored the Self-regarding Side of Ethical Life
 - a. Self-regarding excellences (or virtues) should be fostered rather than imposed
 - 1) Bentham opposed taking such an interest in another's self-regarding conduct
 - b. Self-regarding sentiments and values are the most important
 - c. The essence of liberalism
- 7. Fear of **Philistinism** [cf. Matthew Arnold: An anti-intellectualism that despises art, beauty, and spirituality]
 - a. Bentham's attitude
 - b. Age of mass opinion: Tendency for masses to prevail over individuals
 - c. Tocqueville on America
- 8. Critique of the Utilitarian Creed
 - a. Its danger is that it represented human nature as essentially passive
 - 1) The value of action, self-direction, and striving is hard to explain
 - 2) Self-government involves effort and risk
 - b. The book's flaws
- 9. Layout of *Utilitarianism*
 - a. Effort to clear away confusion about what "utility" means
 - 1) He believed that the useful, the good, the right, the just, and the beautiful were all explainable in terms of utility: the promotion of happiness
 - b. Mill's argument was often negative
 - 1) He ascribed the resistance of critics to misunderstanding
 - 2) His argumentative goals were different from theirs
 - c. His emphasis on its practicality
 - 1) His readers were more likely to believe that morality is a matter of God's will and that a secular ethics was a contradiction in terms
 - d. Mill's agnosticism
 - 1) He believed utility provides ethical guidance whether or not there is a God
 - e. History Has Shown That Societies of Different Religious Convictions, or None, Have Adopted Similar Codes [cf. C. S. Lewis's The Tao in *The Abolition of Man*]
 - 1) Mill believed that coherent progressive ethical codes reflected utilitarian ideas
- 10. **Morality**
 - a. Definition
 - 1) A set of rules that would maximize human welfare when enforced by psychologically coercive measures
 - b. Revisability of debatable **rules of private sexual ethics** [cf. the pioneering American sociologist Lester Ward]
 - c. Need to provide a critical morality
- 11. Criticisms
 - a. **Thomas Carlyle**
 - 1) "Pig" philosophy
 - b. Mill's rejoinder
 - 1) Human beings must aspire to happiness appropriate to human beings

- 2) Different kinds of pleasures
 - 3) Better to be Socrates dissatisfied than a fool satisfied
 - 12. Difficulties and Criticisms
 - a. Can qualities be measured?
 - 1) Mill introduced quality into an argument about quantities
 - b. The Socrates argument
 - 1) If the fool is happier than Socrates, he must be doing better
 - 2) Thrasymachus thought that happiness consisted of self-aggrandizement
 - 3) A crude utilitarianism has no room to disapprove of a happy couch potato
 - 13. What Is Only a Means to Happiness Ends by Becoming Part of It
 - a. Superior and inferior forms of happiness
 - b. What begins as a means to producing future happiness becomes part of it
 - 1) We begin by telling the truth so others will trust us and afterward wish not to be dishonest [Honesty is the best policy]
- E. JUSTICE (714-15)
 - 1. Mill's Ethical Theory is Political in Its Entirety
 - a. Promotion of virtue is a central task for politics (cf. Plato and Aristotle)
 - 1) Liberal distinction between the direct and the indirect promotion of virtue [In *The Revenge of Conscience*, chapter 4, J. Budziszewski addresses some of the strategies for promoting the common good when there is so little virtue to be found]
 - b. Utilitarianism's problem with justice
 - 1) Justice is concerned directly with individuals, the distribution of goods and bads, and strict obligations; utility is about maximizing happiness over a range of individuals and its obligations are "more or less"
 - c. **Security** is the utility that justice promotes
 - 1) This is what we demand most of our neighbors
 - 2. Critique
 - a. It is unsatisfactory as an account of justice
 - 1) There is a disconnect between justice and security
 - b. It does better as an account of the areas of morality that need enforcement
 - 3. Society's Unofficial Self-Government: Enforcement of Good Behavior by Psychological Pressure
 - a. Absence of such **self-policing** [civil society] characterizes societies with high levels of violence [failed states] and low levels of economic success [cf. David Landes's *The Wealth and Poverty of Nations* and Vishal Mangalwadi's *The Book That Made Your World*]
 - 1) A central concern of the communitarian movement [cf. Robert Putnam's *Bowling Alone*]
 - b. The realm of justice is the most basic part of morality
 - 1) The individual should be able to call upon society for aid against attacks
 - c. Mill was more sanguine about the ability of society to discipline its members than we are today
 - 1) He feared that over-disciplining might deprive people of initiative and self-confidence
- F. ON LIBERTY (715-20)
 - 1. Stifling Conformism
 - a. Tocqueville: Tyranny of the majority
 - b. Ordinary people acquired countervailing power
 - 1) New form of oppression resulted [Tocqueville's soft despotism]
 - 2) Gentler but harder to resist
 - 2. Mass Democracy
 - a. Novel form of oppression: All of us collectively oppresses each of us individually [cf. Bastiat's *The Law*]
 - b. Socialization
 - 1) **Internalization** [cf Girard's mimetic desire]

- c. Internal censor
 - 1) Guilt
 - 3. Internalization of Public Opinion
 - a. **Self-censorship** [political correctness is one form]
 - b. Wish for pluralist liberalism
 - c. Similarity of condition makes for uniformity of opinion
 - 4. Target: Mores of the Middle Class
 - a. He wanted to stop the dead hand of respectability from inhibiting us
 - b. Fear of quiet despotism
 - 1) Ostracism: Dissenters would be unemployable
 - 5. Mill's Liberal and Pluralist Political Theory
 - a. Goethe and Humboldt
 - b. Happiness replaced by autonomous self-fulfillment
 - 6. Society May Coerce Its Members Only in Self-Defense
 - a. Philosophical remedy for the defects of democracy
 - b. Mill does not define coercive interference with our conduct
 - c. **Principle of antipaternalism**
 - 7. Harms That Society May Protect against Are Circumscribed
 - a. What such harms are not
 - 1) **Principle of antimoralism**
 - 8. **Harm Principle** Is Essentially Negative
 - a. Line beyond which social coercion is impermissible
 - 1) Legitimate restrictions: Incitement and fraud
 - b. Interference with freedom of action limited to fair warning [principle of informed consent]
 - 1) Truly voluntary prostitution
 - 2) Dangerous drugs
 - 3) Drunken offences
 - 4) Otherwise we may do as we please so long as it only puts ourselves at risk
 - 9. Positive Side of the Argument
 - a. Social Pressure
 - 10. Political Institutions cannot do more than Provide Us with Resources
 - a. **Education:** Society's right and the child's
 - b. State's role is not to dictate curriculum or in general run schools beyond a few exemplary institutions
 - c. National examinations must be factual
 - d. But Mill also has his Prussian moments
- G. **REPRESENTATIVE GOVERNMENT (720-25)**
 - 1. Political and institutional remedy for the defects of democracy
 - a. His move away from majoritarian democracy
 - b. Tocqueville: American democracy is consistent with liberty because of the **pluralism** and diversity of American society
 - c. Mill: We need to keep alive the antagonism of opinions
 - 2. Need to Secure Progressive Government
 - a. Tocqueville's nostalgia for an aristocratic past
 - b. Both Tocqueville and Mill were concerned that political democracy might too easily turn into the peaceful management of a flock of contented sheep
 - c. Tocqueville was more directly political in his concerns
 - 1) Danger that privatized individuals would fail to act as publicly engaged citizens
 - d. Mill had a vision of indefinite progress
 - e. He supports some arguments that modern readers may find disturbing
 - 1) Slavery was justified for liberating the intellectual and political energies of ancient Greece
 - 2) Despotism was justified for bringing the subject class or peoples into the

- mainstream of progress
 - 3) Justification of British rule in India [cf. Vishal Mangalwadi]
- 3. **Benevolent Despotism: The Worst of All Forms of Government**
 - a. The only tolerable government is one accountable to the governed
 - b. No justification for a platonic despotism
 - c. Representative government must be properly organized
 - c. No sympathy for hankering after the withering away of the state
 - d. Essence of modern government is **electoral accountability**
- 4. Self-Government Cannot Literally Be Self-Government
 - a. A high degree of deference is demanded from the voter
 - b. Three unorthodox views of the franchise
 - 1) **Women's suffrage**
 - a) Debates on the 1867 Reform Bill
 - 2) Plural voting [it has been applied in various ways, including plural office-holding]
 - a) Especially for opinion leaders [fancy franchises]
 - 3) **Proportional representation**
 - a) Problems with the **first past the post systems**
 - b) **Thomas Hare's** transferable-vote system
 - c) Multimember electoral districts
- 5. Opposition to Party Government [cf. James Madison's critique of factions]
 - a. Purpose of parliamentary government
 - b. **Legislative commission**
 - 1) Power of amendment is a mistake
 - c. Three influences
 - d. Late medieval Florentine Republic
 - 1) Mill preferred Athenian democracy over Roman oligarchy
- 6. Colonies
 - a. Preparation for independence and self-government
- 7. Decentralization
 - a. Federal Systems
 - b. Importance of national identity
 - c. **Rationale for decentralization**
 - 1) Danger of a passive populace
 - 2) Tendency of mass society to kill liberty
 - 3) Local democracy would inculcate self-reliance in the public
- H. *THE SUBJECTION OF WOMEN (726-28)*
 - 1. Lifelong Commitment to Female Equality
 - a. Early experiences
 - b. Savage newspaper articles
 - c. Utilitarianism's difficulties with equality
 - 2. Women in the professions
 - a. Skepticism about human nature
 - 3. Mill Raises the Evidentiary Stakes Very High
 - a. Nature as a suspect category
 - b. Mill's passion for individual autonomy
 - c. Appeal to male readers
 - 4. Anxieties about Mass Society
 - a. Alexis de Tocqueville
 - b. Two retrospective thoughts
 - 1) Custom mistaken for nature
 - 2) Mill gives the dissident individual the benefit of the doubt
 - c. Tocqueville thought political liberalism requires a conservative social basis

Review

John Stuart Mill	Jeremy Bentham	natural rights
William Blackstone	codification	principle of utility
Panopticon	felific calculus	James Mill
Thomas Babington Macaulay	Government House morality	individualism
idea of autonomy	crisis	Harriet Taylor
ethology	Alexis de Tocqueville	worker-owned cooperatives
<i>On Liberty</i>	clerisy	Samuel Taylor Coleridge
morality	psychological sanctions	duties
Philistinism	rules of private sexual ethics	Thomas Carlyle
security	self-policing	internalization
self-censorship	principle of antipaternalism	principle of antimoralism
harm principle	education	pluralism
benevolent despotism	electoral accountability	women's suffrage
proportional representation	first past the post systems	Thomas Hare
legislative commission	rationale for decentralization	

CHAPTER 20: TOCQUEVILLE AND DEMOCRACY

Outline

- A. THE UNLIKELY AUTHOR OF *DEMOCRACY IN AMERICA* (729-33)
 1. Three Tocquevilles
 2. Background
 - a. Legitimist family
 - 1) Devotion to the restored Bourbon monarchy
 - b. Dissatisfaction with **Louis-Philippe** [Duc de Orléans], the bourgeois monarch
 - 1) Tocqueville's resignation from the national administration
 - c. Study of the American penal system
 3. Norman Family
 - a. The Terror
 - 1) Execution of M. de Malesherbes, who defended Louis XVI at his trial
 - b. Range of his family's political views
 - c. Hervé
 - d. Versailles
 4. Pious and Conservative Household
 - a. Abbé Leseur
 - b. Study of law
 5. Advent of Louis-Philippe
 6. *Democracy in America*
 - a. Pursuit of literary fame
 - b. Académie Française
 - c. Mary Mottley
 7. Political Ambitions
 - a. Opposition
 - b. February Revolution of 1848
 - c. Memoirs of the revolution
 - d. Economic retrenchment
 8. Louis Bonaparte
 - a. Foreign minister
 - b. Constitutional committee
 - c. Coup of December 1851 after term limits were imposed
- B. *DEMOCRACY IN AMERICA* AND *DEMOCRACY IN AMERICA*: MOTIVATION (733-36)
 1. Praise for His Work
 2. French Relationship with America

- a. Aid to the colonies
 - 1) Strategy to recover lost ground from the Seven Years' War [French and Indian War, the fourth in a series of British-French wars]
 - 2) American leaders were not deceived as to French motives
 - 3) Quick and separate peace made with Britain
 - 3. Why the American Revolution Succeeded and not the French Revolution
 - a. Americans were reluctant revolutionaries
 - 1) Self-government was an established reality
 - 2) Independence was a leap into the past of the English Civil war
 - a) But George Washington was not Oliver Cromwell
 - 4. How American Social and Political Attitudes Made Self-Government Possible
 - a. Political culture: *les mœurs*
 - b. Distinctive geographical setting and colonial history
 - 5. **Virtuous Circle**: The New Republic Reinforced the Culture That Reinforced It
 - a. Indirect supports enabled the system to combine popular sovereignty and individual liberty
 - 1) Role of women
 - 2) Psychological and moral discipline
 - 3) Benign moral tutelage by women
- C. TOCQUEVILLE'S INFLUENCES: ROUSSEAU (736-37)
 - 1. Sources of Tocqueville's Thinking about the Prospects of Popular Government
 - 2. **Rousseau**
 - a. Philosopher who inspired Kant's moral and political philosophy
 - b. Tocqueville not concerned with Rousseau's inquest into legitimacy
 - 3. Spirit of Equality
 - a. Seeking what kinds of equality sustained or endangered liberty
 - b. **Rise of individualism**
 - 1) Bad vs. good types
 - 2) Bad individualism is driven by envy and fear
 - 3) Mill's fear
 - 4) **Mass society**
 - 5) Right kind of **equality of condition**
- D. MONTESQUIEU (737-38)
 - 1. Incompatibility of Classical Standards with Commercial, Self-interested Values
 - a. **Montesquieu**: Impact of climate, geography, and domestic life
 - b. **Political socialization**
 - 2. Fear of Despotism and Ideological Passion
 - a. Modernization of French absolute monarchy
 - b. Importance of *les mœurs*
 - 1) Extrapolitical attitudes, etc., as shock absorbers
- E. GUIZOT (738-40)
 - 1. Tocqueville's Life-long Intellectual Brooding
 - a. Guizot's lectures
 - 2. Irresistible Rise of the **Middle Classes**
 - a. Britain's success
 - b. Democracy needs to be directed by a wise political elite
 - 3. Their Political Differences
 - a. François **Guizot**: An Orleanist and a barrier to the left
 - b. Conciliatory foreign policy
 - c. Rise of a provincial middle class
- F. THE FRENCHNESS OF *DEMOCRACY IN AMERICA* (740-42)
 - 1. The Double Character of the Book
 - a. Snobbish little books about America
 - b. Americans as practical Cartesians
 - 2. Genius of Americans
 - a. Contrasts were drawn between Americans and the French

3. His Praise of the French Temperament
 - a. His nationalism
 - b. Americans had created a republic
 - c. Irrelevance of Britain
 - d. Tocqueville wanted to discover what was possible in France
4. His Desire for a Constitutional Monarchy
 - a. Montesquieu's recipe
 - 1) Lesson was drawn from England
 - b. **Louis XIV** and successors had hollowed out the social hierarchy
 - c. Aristocracy bribed with **financial privileges**
 - d. Functionless privilege can rest only on sullen acquiescence or fear
5. **Prescient Analysis** of Liberal Democracy Today
 - a. A tract on **mass society**
 - b. Impact on John Stuart Mill
- G. EQUALITY AS A PROVIDENTIAL FORCE (742-43)
 1. Transformation of Western Society
- H. *DEMOCRACY IN AMERICA: VOLUME 1 VERSUS VOLUME 2* (743-45)
 1. Differences in Tone
 - a. Mill's observation that they are two masterpieces
 - b. Relations between the social classes
 - 1) Legal issues
 2. First Volume
 - a. History
 - b. Federal system
 - c. Three races
 3. Second Volume
 - a. Focus on the cultural failings of a mass society
 - b. Compatibility of equality with liberty
 - 1) In America but not France
- I. *DEMOCRACY ONE* (745-55)
 1. Need for a New Political Science
 - a. His ideal type analysis
 - b. Narrative of increasing equality of conditions
 - c. Mill wanted to distinguish between equality and democracy
 - d. Americans regarded themselves as middle class
 2. The Argument: The People Truly Rule without Danger of Relapse into Anarchy or Tyranny
 - a. Two tracks of his argument
 3. The People Truly Rule
 - a. Nearly every position of authority is elective
 - b. Contrast with France
 4. Discussion of the Tyranny of the Majority
 - a. Need for an absolute and unconstrained power
 - b. **No Hobbesian sovereign** in the United States
 - c. Tocqueville sees sovereignty in the majority
 - d. Mill on the East India Company
 5. Majority in a Democracy Is in the Position of a Despot
 - a. This argument claims too much
 - b. Checks and balances
 - c. Supreme Court
 - d. Eighteenth Amendment
 6. Rule by Lawyers
 - a. Two purposes of the constitutional arrangements
 7. The Puzzle that Tocqueville Should Assume that the Majority was Omnipotent
 - a. Well-placed interest groups
 - b. Why the English succeeded in settling America and French did not

- c. The paradox
 - d. French rationalism vs. British empiricism
- 8. British Often Were Fleeing Home Government or Creditors
 - a. Self-help contrivances
 - b. Further migration
 - c. Spontaneous communities
 - d. Tutelage vs. salutary neglect
 - 1) Enervation of the individual Frenchman
- 9. Problems in Tocqueville's Account of the French
 - a. Domestic tranquility
 - b. Search for glory
 - c. Life of the noble savage
- 9. What Tocqueville is Saying
 - a. Place of **Puritanism** in the English character
 - 1) Unwillingness to live under government without consent
 - 2) Stick-to-it-iveness
 - 3) Wilderness is to be tamed and made useful
- 10. Englishmen of This Kind Created the New Republic
 - a. Tocqueville was impressed by how little freedom Americans have
 - b. Non-tyrannical government requires the possibility of an appeal from one authority to another that can exercise a check
 - 1) In America no such check exists
 - 2) Reason: Omnipresence and omnipotence of public opinion
 - 3) Ability of public opinion to bypass institutional checks and balances
- 11. America Remains Free, However, Because in Practical Matters Americans are Self-Reliant
 - a. Voluntary association
 - b. Jury service
 - c. Local newspapers
- 12. Antagonism of Opinions
 - a. Foundations of political debate are in economic life
 - 1) America as the paradigmatic land of opportunity
 - b. The thrust westward
 - c. Textile industry
 - d. Prosperity
- 13. Regional Differences
 - a. American religion kept citizens **self-disciplined** and respectable
 - b. Separation of church and state
 - 1) Absence of anti-clericalism
 - c. Habits of the heart
- 14. The Three Races
 - a. Disastrous extinction of Native Americans
 - 1) Destruction of an essentially aristocratic way of life
 - b. Intolerable situation of Negro slaves
 - 1) Demoralizing effects on the slave-owning society
 - 2) Backwardness of the slave states
- 15. Levels of Well-Being
 - a. Comparisons with the European past
 - b. Invidious regional comparisons
 - 1) Southern resentments
 - c. Prospect of emancipation into second-class citizenship
- 16. Center of Gravity Was Shifting to the Mississippi Basin
 - a. Brash, headstrong pioneers
 - b. Frontier is a double-edged feature of American life
- J. **DEMOCRACY TWO (755-56)**
 - 1. Four Salient Topics

- a. Ambivalence about individualism
 - b. American genius for association
 - c. Thoughts on the family
 - d. Vision of soft despotism
- 2. American Cultural Life
 - a. Unsited to the production of high culture
 - 1) Frenetic and monstrous pace of life
 - b. Pragmatist philosophers
 - c. Greater enthusiasm for **equality** than for freedom
- K. INDIVIDUALISM AND RETREAT (756-57)
 - 1. Individualism vs. Individuality
 - a. **Individualism** is a feeling that turns away from the public realm
 - b. Solitude of one's heart
 - 1) Lonely crowd
 - 2. Incapacity to Engage with Public Affairs
 - a. Need for social conservatism
 - 3. Forces That Provide Assistance
 - a. Capacity for association
- L. ASSOCIATION AND "SELF-INTEREST RIGHTLY UNDERSTOOD" (757-59)
 - 1. Societies and Associations
 - a. No British counterpart
 - b. Political parties ignored
 - c. Natural political condition of a society of equals is a tyranny
 - 1) America was the opposite of such a society
 - 2. Creation of Associations Out of **Self-Interest Rightly Understood**
 - a. Men must manage their own affairs in the absence of an omniscient state
 - 1) Long-run shared interests
 - b. Danger of statism
 - 3. Anxiety about Preserving the Public/Private Balance
 - a. Withdrawal into the pursuit of privatized well-being
 - b. Threat of a decline in association
 - c. Normative vision of the engaged citizen
- M. THE FAMILY (759-60)
 - 1. Need for **Social Discipline**
 - a. Our gentler, more humane legal regime
 - b. Socialization of the next generation
 - c. **Role of women** in making *moeurs*
 - 2. Democratic Family vs. Aristocratic Family
 - a. Nuclear family based on friendship rather than authority
 - b. Aristocratic family is hierarchical
 - 3. Preservation of Good Morals Depends on American Women
 - a. Absolute liberty of American girls until marriage
 - 1) It is liberty within a strict moral framework
- N. SOFT DESPOTISM (760-62)
 - 1. Whether American Morals Could Protect against Democratic Tyranny
 - a. What they have to fear is leaders that would be **schoolmasters** [tutelary]
 - 1) Immense **tutelary power** elevated above a mass of tiny individuals
 - 2. Collective Power of Individuals in the Aggregate
 - a. Standard tyranny
 - b. Democratic despotism
 - c. Fear of an enervating tutelage
 - 3. Question of a Long-Term Remedy
 - a. Democracy's in-built tendency toward centralization
 - b. John Stuart Mill's reaction
 - c. American society became more pluralistic through immigration
 - d. Combination of conformism and inventiveness

- e. But Tocqueville's fears were for France
- O. FRANCE AND EMPIRE (762-63)
 - 1. Why French Imperialism Failed to Match Britain's
 - a. Tocqueville's liberalism differed from English liberals
 - b. John Stuart Mill
 - 1) Belief that a progressive colonial power could accelerate native development [cf. P. T. Bauer, David Landes, and Vishal Mangalwadi]
 - 2) Mill's silence on the benefit to Britain
 - 3) He saw emigration as a safety valve [cf. Gunnar Heinsohn's youth bulge theory]
 - 2. Tocqueville: France Needed a Grand National Project
 - a. His awareness of the human cost
 - b. His sensitivity to what was lost
 - c. Object: National glory and an increase in self-confidence
- P. THE ANCIEN RÉGIME (763-69)
 - 1. Origin of Tocqueville's Third Masterpiece
 - a. America was largely immune to the class hatreds of Europe [America had largely bypassed the feudal stage]
 - 1) But Mancur Olson shows what happens when interest group calcification takes hold [see Mancur Olson's *The Rise and Decline of Nations* on cartelization, pp. 179-80]
 - b. French Revolution created many difficulties
 - 1) Near impossibility of reaching a consensus on what a legitimate regime might look like
 - 2. Account of the French Revolution
 - a. **Reference Group Theory**
 - 1) [cf. Ted Robert Gurr: Rising expectations vs. relative deprivation]
 - b. Two observations
 - 1) Synchronic comparisons: Acceptance or rejection of differences perceived as just or unjust]
 - 2) **Diachronic comparisons** [James Chowning Davies's J-Curve Theory focuses on the sense of relative deprivation during a downturn]
 - 3. How Efforts to Help the Masses Radicalized Them
 - a. The bourgeoisie was provoked into siding with the lower classes
 - 1) Series of failed harvests
 - 2) Storming of the Bastille served middle class interests
 - 3) [cf. Andrew Dickson White's *Fiat Money Inflation in France*]
 - b. French Revolution regarded by Marxists as a bourgeois revolution
 - 4. Britain's Experience with Revolution
 - a. Britain's 17C revolutions
 - b. Initial support for the principles of the French Revolution
 - c. Public supported repressive measures against domestic radicalism
 - 5. Vulnerabilities of the French State
 - a. French state: A glittering sham
 - b. Useless aristocracy [cf. the Merovingian *rois fainéants* (useless kings) of the 8C]
 - 1) Feudal institutions were merely extractive [cf. Bastiat's "legal plunder"]
 - c. Aristocratic privileges served no political function
 - 6. Need to Give People a Stake in the System
 - a. Opportunistic looting
 - b. Defense against disorder and pillage: Give people a stake in law and order
 - c. A stable society is characterized by a steady gradation of prosperity
 - d. The French aristocracy had become a caste
 - 7. Parasitic Character of the Aristocracy
 - a. France had become a centralized administrative despotism
 - b. Contrast with British and American capacity for self-government
 - c. This helps account for the ease by which French regimes were repeatedly

- overthrown
 - d. Tocqueville noted Burke's astonishment at this dissolution of the ties of affection
 - 1) Americans were protected from similar atomization by the principle of self-interest rightly understood
- 8. Tocqueville and Burke Agreed That the Consequences Were Disastrous
 - a. Tocqueville saw it as a self-inflicted disaster on the part of the aristocracy [Erik von Kuehnelt-Leddihn noted that the Austrian emperor's job was "to protect his people against his government"]
- 9. Weakness of the Old Regime
 - a. **Administrative centralization**
 - 1) Uniformity of tastes and dependency on provision by the state
 - 2) Absence of a civil society: *i.e.*, the capacity to generate "bottom-up" loyalties
 - b. **Passion for equality** bred a short-lived passion for freedom and self-rule
 - 1) Subsequent violence and fury
 - 2) Mildness of manners was consistent with utter savagery as the revolution approached its climax [cf. Erik von Kuehnelt-Leddihn, *Leftism*, pp. 91-92]
 - c. The French became easy prey for despotic rulers such as Napoleon III [Francis Lieber so characterized his regime in "The Ancient and Modern Teacher of Politics"]
- 10. Hegel, Mill, and Tocqueville Mark a Turning Point
 - a. Question: How may a socially egalitarian society avoid being dominated by public opinion?
 - b. Age-old question: Whether people may be citizens as well as subjects
 - c. Violent insurrection was, for them, the method of last resort
 - d. Marx held a different view

Review

Louis-Philippe	virtuous circle	rise of individualism
mass society	equality of condition	Rousseau
Montesquieu	political socialization	<i>les mœurs</i>
middle classes	François Guizot	Louis XIV
financial privileges	prescient analysis	no Hobbesian sovereign
Puritanism	self-discipline	equality
self-interest rightly understood	social discipline	role of women
schoolmasters	tutelary power	reference group theory
diachronic comparisons	administrative centralization	passion for equality

CHAPTER 21: KARL MARX

Outline

- A. MARX'S REPUTATION (770-71)
 - 1. Turning Point: **Vladimir Lenin's** Arrival at St. Petersburg's Finland Station
 - a. Apart from that, Marx might be regarded as a not very important figure
 - b. Marx's treatment as the source of near-divine wisdom
 - c. The pre-mythological Marx
 - 1) Offshoot of **David Ricardo's** system [David Ricardo's theory of comparative advantage urged industrial and commercial specialization]
 - d. Marx as the frustrated academic
 - 2. Author's Interpretive Strategy: To Pretend that the October Revolution Never Happened
 - a. Structure of the chapter
 - 3. Marx did not Write at Length on Political Theory

- a. He had no theory of political authority
 - b. No theory of citizenship or the rule of law
 - c. Administration is necessary but possible without politics
 - d. Marx sought to uncover the exploitative mechanisms of a capitalist economy
- B. LIFE AND TIMES (1772-75)
- 1. Family
 - a. Trier region influenced by French radicalism
 - b. Father
 - c. Studies in law and philosophy
 - d. Frederick William IV
 - 1) Dismissal of scholars who engaged in historical criticism of the Bible
 - 2. Professional Revolutionary
 - a. *Communist Manifesto*
 - 3. **Friedrich Engels**
 - a. Family business
 - b. Engels the systematizer
 - c. Interest in religion
 - 1) **The Young Hegelians**
 - 2) Engel's pietist background [Pietism was a Lutheran reform movement that emphasized personal holiness]
 - 3) *Lebensphilosophie*
 - d. Engels turned Marxism into a **philosophical system**
 - e. Condition of the English working class
 - f. Engels was a warrior and hunter
 - g. He wrote commentaries on the American Civil War under Marx's byline
 - h. He was less attached to bourgeois respectability than Marx
 - i. Personal life
 - 4. Marx's Life as an Impoverished Émigré
 - a. ***Das Kapital***
 - b. Sponsorship of a revolutionary socialist movement
 - c. Family
 - d. Outflanked on the left by anarchists devoted to **Mikhail Bakunin**
- C. THE PHILOSOPHY OF ALIENATION (1775-82)
- 1. Life as a Philosopher
 - a. Hegelianism
 - b. ***Economic-Philosophical Manuscripts***
 - c. Hegel's core idea about **alienation** is reinvented
 - 2. The Theory of Alienation Is a Combination of Two Thoughts
 - a. We immediately encounter the world as alien to us
 - b. This estrangement and sense of its hostility must be overcome
 - 3. Hegel: The World Is Experienced as Alien Because We Do Not Understand It as the Expression of **Geist**, or Spirit
 - a. When we see the world as a **construction of mind**, we can see reality as ours
 - 1) Understanding is a form of intellectual *ownership*
 - 4. Alienation Is More Than a Matter of Epistemology
 - a. Hegel: Connection between intelligibility and autonomy
 - 1) Intelligible social arrangements are what reason dictates; these give us autonomy
 - b. Hegel: Freedom is the consciousness of necessity
 - 1) A rational person does freely what he must do
 - 2) Alienation is overcome by understanding reality's inner logic
 - c. Marx: Revolution overcomes oppressive and irrational present reality
 - 5. Marx Turns Hegel Upside Down
 - a. Marx himself was ignorant of economics at this point
 - b. He engaged in an imaginative transformation of Hegel's conservative philosophy into radical social theory

- c. Marx's later ideas are introduced in embryo form
 - 1) Hegel's thought was conservative because it required individuals to adjust to the world
 - 2) The radical's task instead is to adjust the world to our rational ideas
 - 6. Marx Regarded Hegel as a Great Thinker
 - a. Reinterpretation of alienation
 - 1) It is estrangement from our human nature
 - 2) As social and productive creatures
 - b. Alienation is an all-purpose tool
 - c. Property was a proxy for everything wrong
 - 1) Under its pressure we treat others as means to our ends, never as ends in themselves
 - 2) Thomas Carlyle [Hegelian]: callous **cash nexus** [money as mediator] [cf. Marshall McLuhan's the medium is the message]
 - 7. Marx's Analysis
 - a. **Fourfold estrangement**
 - 8. First, We are Divorced from What We Make
 - a. We make things for the markets
 - b. Worker takes part in his own oppression [cf. false consciousness]
 - c. The more efficient he is, the greater the employer's power over him
 - d. Marx's disapproval of the instrumental quality of market relations
 - 1) He regarded market socialism as still instrumental
 - 9. Second, Estrangement from the Process of Work
 - a. Workers turned into adjuncts of machinery [cf. Charlie Chaplin's Modern Times]
 - b. Marx's later modification: A new kind of productive freedom is possible
 - 10. Two Distinct Currents in His Thought
 - a. Early Marx: His paradigm of fulfilling work is that of the artist
 - b. The later Marx emphasizes the rationality of the system as a whole
 - 1) Work of particular individuals is satisfying when it is also the work of the species
 - 2) Marx takes over Hegel's collectivist assumptions
 - 3) Internalization of the desire to benefit the whole community
 - 11. Third, Alienation from Our "**Species-Being**"
 - a. Competition sets us at odds with one another
 - b. Marketplace characterized by enmity
 - 12. Communicative Quality
 - a. Commodities are the embodiment of social relations
 - b. The commodities in the marketplace tell us that they are extorted from their creators
 - 13. Fourth, Work Ceases to be an Expression of our Individuality and is Just Hard Labor
 - a. We are put at odds with the rest of our species
 - b. We are owned by the institutions of private property
 - 14. Marx saw socialization as an economic/political and historical imperative
 - a. *Communist Manifesto*: Capitalism is incompetent even to feed the workers it needs
 - b. It is irrational and therefore doomed
 - c. Production is intrinsically cooperative; the market is intrinsically competitive
- D. ALIENATION AND POLITICS (782-85)
- 1. Hegel's Account of the State
 - a. It is not excessively dominant
 - 1) What can be left to the invisible hand of the market place is
 - b. The state is more than a night watchman
 - 1) Effective bureaucracy managing the economy for the general welfare
 - 2. Marx's Retort to Hegel
 - a. Modern state must be a **democratic republic**

- b. Its social foundations undercut people's aspirations for self-rule
 - c. Essence of democracy is the abolition of the state
 - 1) Our needs for coordination would be met non-coercively by a **transfigured civil society**
 - 2) Political standing is determined by property
 - d. Hegel had revealed that the state itself had become an object of ownership
 - 1) It is an alien objectification of our powers of cooperative decision-making
 - 3. Solution: We Must Establish True Democracy
 - a. **Jean-Jacques Rousseau:** The republic rests on a sharp divide between *homme* and *citoyen* [cf. Declaration of Rights of Man and Citizen]
 - b. Marx's rebuttal: Republic imposes political unity on economic disunity
 - c. Rousseau wanted to ensure that everyone has something
 - d. Marx implies that it is too late for that recipe
 - 4. What Implies the Withering Away of the State
 - a. Cooperative unity is waiting to emerge from the conflictual institutions than encase it
- E. THE THEORY OF EXPLOITATION; MARX'S POLITICS IN THE *MANIFESTO* AND AFTER (785-88)
- 1. **Utopian Socialism**
 - a. **Charles Fourier**
 - 1) **Phalanstery** [Brook Farm was one of about thirty specimens]
 - b. Others held that the creation of socialism was a moral imperative
 - 1) Marx held it to be a historical necessity
 - 2. Marx's **Scientific Socialism**
 - a. Best hidden secret of capitalism is the origin of capitalist **profit**
 - b. Account of exploitation
 - 3. Puzzle of Profit
 - a. How the process of production creates this profit
 - b. Utility theory of modern economics
 - c. Marx wants to explain the average return of capital
 - 4. Distinction between Labor and Power
 - a. Labor has no value but creates all value
 - b. Labor value is what it costs
 - c. **Surplus value** emerges as profit
 - 1) Unpaid labor
 - 5. All profit is created by the workers; the capitalist contributes nothing [this makes him a mere catalyst]
 - a. The capitalist's share is unearned
 - 6. Hiddenness (Occultness) of the Workings of Capitalism
 - a. What is visible: The exchange of money for services [Bastiat takes a different approach in "What Is Seen and What Is Not Seen"]
 - 1) Capitalists pay workers what they are worth
 - 2) Capitalists as a class have an interest in preventing cheating because it will bring down the system: profit does not come from visible robbery and fraud
 - 3) Bourgeois justice of exchange relations between self-interested individuals
 - 4) The market enforces that standard of justice
 - 7. **Purpose of Science:** It Shows What Happens Beneath the Surface in a Way That Explains the Surface Appearances
 - a. Divergence of reality and appearance
 - b. Social processes are doubly deceptive
 - 1) Many social processes would break down if they were fully understood [cf. Edmund Burke's wardrobe of the moral imagination with its pleasing illusions]
 - 8. **Theory of Exploitation:** Profit Is Produced by the Unpaid Labor of the Worker

- a. Extraction of surplus value is the driving force of capitalism
 - 1) Marx argued that the ferocity of extraction (due to competition) would Increase
 - b. **Labor theory of value** [Marx adopted this idea from John Locke]
 - c. Capital is dead labor but needs new supplies of living labor [cf. mortmain: the "dead hand" of the past]
 - 1) Hence it is a vampire
- F. CLASS STRUGGLE (788-92)
 - 1. **The Communist Manifesto**
 - a. **Class conflict:** An opaque concept
 - 1) **François Guizot's** lectures
 - 2) Aristotle
 - 3) Machiavelli
 - b. Engels praised Rousseau's *Discourse on the Origins of Inequality* as the first work of **historical materialism**
 - c. Scottish historical sociologists, including Adam Ferguson, also have a claim
 - 2. Difficulties of the class conflict thesis
 - a. Ethnic, racial, and religious conflicts
 - b. Conflicts of interests
 - c. Conflict is intrinsic to all economic systems
 - 3. Marx's Official View
 - a. Conflict between owners and workers
 - 1) Slave and free
 - a) Oppressor and oppressed
 - 2) Legal status rather than position in the production process
 - b. How the surplus is historically generated
 - 1) Ancient societies depended on slavery to generate the surplus
 - 2) Feudal serfdom: Peasants tied to the land generate the surplus
 - 3) Modern proletariat does it under capitalism
 - c. **Essence of politics:** States exist to handle the conflicts of interest generated by coercive measures of surplus extraction
 - 4. Materialist Conception of History [Historical Materialism]
 - a. Distinction between forces of production and relations of production
 - b. Human labor: The crucial force in production, either with or without technological assistance
 - 1) Not all forces of production are material: e.g., technological imagination and scientific discovery
 - 5. The Materiality of Good Ideas
 - a. Ideas have consequences
 - 1) Guns are of no use without the ability to use them
 - b. Critical role of the relations of production
 - 1) Example of a plow
 - 2) **Hellenistic steam engine:** The abundance of slave labor left no incentive for its develop into more than a toy
 - 6. **Forces of Production Dictate the Relations of Production**
 - a. Marx's lack of clarity
 - b. What starts as an innovation becomes a clog on the progress
 - 1) Division of industrial society eventually becomes a drag on productivity
 - c. **Theory of revolution:** When the relations of production become a fetter on the forces of production, the integument [natural covering of a system, such as the skin] bursts and the expropriators are expropriated
 - 7. Pressure toward Improving the Forces of Production to Increase Productivity
 - a. Need for an incentive
 - b. Essence of property **rights**
 - 1) Ability to dictate access to the means of production
 - 2) View developed by some Trotskyites [Max Shachtman and James

- Burnham]
 - a) Officials in the state bureaucracy have quasi-ownership, making the bureaucracy a class [This may be an instance of what Gordon Tulloch calls rent-seeking]
 - 8. Effects under Capitalism
 - a. Ferociously competitive market
 - b. **Immiseration**
 - 1) Reserve army of the unemployed
 - c. Enlargement of a desperate working class
 - d. Aristotle predicted stasis in such a scenario
- G. THE ULTIMATE REVOLUTION (793-95)
 - 1. History Has Turned Out Rather Differently Than Marx Predicted
 - a. Retracing our steps
 - b. Marx's analysis had to accommodate too many exceptions
 - 2. Standard Marxian View of Historical Progress
 - a. Prehistoric stage of **primitive communism**
 - 1) Nomadic tribes of hunter-gathering
 - b. Where history begins and ends
 - c. The progression
 - 3. Asiatic Mode of Production [cf. Hegel's Oriental Despotism]
 - a. No internal dynamic within the Indian and Chinese economies
 - 1) Stagnation
 - b. Nothing analogous to the medieval European town
 - 4. The Question Marx Could Not Duck
 - a. Whether an economic and political system might emerge in Europe that would defuse class conflict, produce economic stagnation, and derail the revolution [cf. the Great Recession of 2008; Niall Ferguson, *The Great Degeneration*]
 - 1) Bismarck's Prussia and the Imperial France of Napoleon III
- H. CLASS FORMATION (795-800)
 - 1. Binary Picture of Class Conflict
 - a. Classes had two aspects
 - b. Marx abandoned the binary model when discussing political events
 - c. Disappointed expectations of 1848
 - d. Otto von Bismarck
 - e. Napoleon III
 - 2. Marx Later Saw That He Had Mistaken the Birth Pangs of Capitalism for Its Death Throes
 - a. Uprising of a socialist proletariat
 - 1) In part it was traditional discontent with bad harvests and high food prices
 - 2) Nationalist sentiments drove revolution in much of central and eastern Europe; Marx believed that the workingman has no country and should be universal in his aspirations
 - 3) Marx and Engels denounced the Old Norse piracy
 - 3. *Eighteenth Brumaire of Louis Bonaparte*
 - a. There were more actors than just the proletariat vs. bourgeoisie
 - 1) Peasant population
 - 2) Divided bourgeoisie
 - 3) Revolution was the work of the **radical petty bourgeoisie**: This is why the republic could not be secured
 - 4. Two Pictures of Class Conflict
 - a. **Two accounts of the state**
 - 1) Instrument of the ruling class
 - a) **Bourgeoisie**: Dominant economic class
 - b) **Gentry** politicians regarded as the hired help
 - c) Conflict of interests drive political change
 - d) Victorian state became uncorrupt: It rooted out sinecures and

- jobbery
 - e) All assets were permitted to be turned into capital
- 5. The Victorian State Fit the Theory Because Marx's Theory Was Drawn from It
 - a. How it frustrated Marx's expectations
 - 1) It incorporated the urban working class and seduced the workers with the spectacle of empire [cf. later theories of imperialism]
 - 2) Family wage
 - 3) Immiseration avoided
 - 4) Common interests of the owning class were more extension than Marx Acknowledged
 - b. Revolution would no longer be inevitable
- 6. Two Escape Routes [for Marx's Theory]
 - a. The view that palliatives are doomed to fail in the long run
 - 1) Loss of competitive edge
 - b. Abandonment of the inevitability of revolution
 - 1) Revolutions have been the rule because the excluded classes have lacked peaceful ways to press for change
 - 2) A more prosperous world might close the differences
- 7. Marx's Second Theory of the State
 - a. Adapted to France, Germany, and Russia
 - b. **Louis Napoleon** (Napoleon III): Military bureaucracy [cf. Francis Lieber's idea of democratic absolutism]
 - 1) Bureaucratic apparatus's stake in self-preservation [cf. Berle and Means, *The Modern Corporation and Private Property*, James Burnham, *The Managerial Revolution*, and Milovan Djilas's *The New Class*]
 - c. **State becomes an independent actor** rather than an instrument of the ruling class
- 8. The State's Nature Is Hard to Explain in Terms of a Simple Theory of Class Conflict
 - a. Pursuit of national glory rather than cheapness and the interests of the bourgeoisie
 - b. Marx believed the French bourgeoisie never established its position as a ruling class
 - 1) Division of economic interest between the financial and industrial Bourgeoisies
 - 2) State's personnel could pursue their own parasitic interests [rent-seeking, Bastiat's legal plunder]
 - c. A divided bourgeoisie needs a stronger state
 - d. Propensity for military adventures [cf. Randolph Bourne: War is the health of the state]
 - 1) Disaster of the Franco-Prussian War
- 9. Marx Assumed That Louis Napoleon's Coup Would Be Short-Lived
 - a. This deviant form of state [proto-fascism] proved to have more staying power
 - b. Marx rethought the number of routes from capitalism to socialism
 - c. Marx left only fragments of his larger project
- I. REVOLUTION (800-02)
 - 1. Revolution Occurs When the Ruling Class Cannot Make Enough Concessions
 - a. Failure to secure the acquiescence of the insurgent classes
 - b. Some revolutions occur because of ruling class incompetence
 - c. Lack of a fully developed theory of revolution
 - 2. Two Distinct Scenarios
 - 3. First Scenario: Insurrection and Revolution
 - a. Growing disaffection of the working class and its allies
 - 1) **Otto von Bismarck's** deft handling of political pressures
 - b. Defeat in war leaves a military-bureaucratic state vulnerable
 - 4. Marx Made a Good Guess
 - a. Revolution threatens states that are most resistant to the incorporation

- [cooptation] of the excluded classes [the Godfather principle: Keep your friends close and your enemies closer]
 - b. Bismarck's adroitness in creating an early **welfare state**
 - c. Too little attention paid to the disparity between the military forces of the state and an untrained, ill-equipped revolution
 - 1) But, as Leon Trotsky point out, rifles still need a human being to fire them
 - 2) Iran and Arab Spring are instances where armies failed to suppress Revolutions
- 5. Second Scenario: Parliamentary Road to Socialism
 - a. Normal bourgeois state is a democratic republic
 - 1) Britain: a monarchy in name only
 - b. Divisions within the working class
 - 1) Skilled workers and foremen
 - c. British class voting patterns
- 6. What Interim State Would Exist before Its Withering Away?
- J. PROLETARIAN DEMOCRACY (802-06)
 - 1. Dictatorship of the Proletariat
 - a. Lenin's dictatorship
 - b. All forms of government are class dictatorships
 - c. Proletarian democracy would be less repressive
 - d. Abolition of private ownership of the means of production abolishes class and thus the state
 - 2. Everything Hangs on Definitions
 - a. Degree of state violence
 - b. Methods of eliminating the bourgeoisie
 - 1) Quietly by [confiscatory] taxation over a century
 - 2) Or by nationalization with compensation more rapidly
 - 3) Mass murder of the **kulaks** [landed peasants who resisted collectivization by Stalin]
 - c. Possibility of voting in the changes
 - d. Things will be bloodier with military-bureaucratic despotisms
 - 3. Where Marx Fails
 - a. Building socialism among the ruins of productive capacity
 - 1) The lot of all socialist regimes
 - b. Post-revolutionary situation
 - 1) Citizens must learn the habits of self-government and learn to organize the economy without domination or exploitation
 - c. Marx's tacit assumption: Tastes never change and techniques are static
 - 1) This will not do
 - 4. **Critique of the Gotha Program**
 - a. What happens when there are no capitalists to skim off an unearned profit?
 - 1) Saint-Simon: From each according to his abilities, to each according to his needs
 - b. First stage of socialism: To each according to his contribution
 - c. Second stage of socialism
 - 5. Full-Fledged Socialism
 - a. It transcends justice in the usual sense
 - 1) Citizens contribute to this collective project for reasons of solidarity
 - b. Is such a complex but stateless society imaginable?
 - 1) A new class would emerge: Plato's guardians or Hegel's universal class
 - 2) Impossibility of the achievement of abundance
 - 6. Marx vs. Mikhail Bakunin: Management Supersedes the Government of Men
 - 7. Marx's Utopianism

Review

Vladimir Lenin	David Ricardo	Friedrich Engels
Young Hegelians	philosophical system	<i>Das Kapital</i>
Mikhail Bakunin	alienation	<i>Economic-Philosophical Manuscripts</i>
<i>Geist</i>	construction of mind	cash nexus
fourfold estrangement	Species-Being	democratic republic
transfigured civil society	Jean-Jacques Rousseau	utopian socialism
Charles Fourier	phalanstery	scientific socialism
profit	surplus value	purpose of science
theory of exploitation	labor theory of value	<i>The Communist Manifesto</i>
class conflict	François Guizot	historical materialism
essence of politics	Hellenistic steam engine	forces of production
relations of production	theory of revolution	rights
Immiseration	primitive communism	radical petty bourgeoisie
two accounts of the state	bourgeoisie	gentry
Louis Napoleon	state becomes an independent actor	kulaks
Otto von Bismarck	welfare state	
<i>Critique of the Gotha Program</i>		