

**College of Social Studies
Sophomore Colloquium
Modern Social Theory**

Fall 2021

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Class Location: Fisk 122

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Office hours: W: 4:10-5pm and by appointment

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I. Introduction

During the first year of the CSS your tutorials and the colloquium all focus on the emergence and functioning of industrial society. The tutorials approach this theme from their own disciplinary perspectives. In History, for example, you will examine the modern history of Western Europe, particularly the industrial revolution and the emergence of modern, democratic politics. As you can see from the general syllabus of the colloquium, the principal academic content of this course is a selection of the major social and political theories written between 1650 and 1950. As you will learn in your tutorials, the processes of modernization and industrialization involved enormous changes in every aspect of life. While the changes were in many ways liberating, and welcome to some social groups, they were deeply threatening to others, and disruptive to all. Most important for our purposes, although they resulted from the conscious and intentional actions of men and women, the changes themselves were generally unplanned, often quite unexpected, and no one at the time had a clear understanding of the kind of society or way of life that was emerging. In many ways one can see these theories as attempts by philosophers and social thinkers to grasp the dramatic transformations that were occurring in their societies. By coming to understand their own societies better, they were able to analyze the different forms of society that were possible and to prescribe a particular form which, in light of their theories, could be seen to be superior to other attainable forms. These theories, then, were *critical* reflections on society, intended both to explain what was going on, and to criticize social reality, in part by articulating an ideal of social order and by specifying what must be done to achieve it.

Because of the critical dimension of these theories, they are important not only for what they teach us about how society works and the causes of modernization and industrialization, but also because they themselves become part of the very process of social change itself. For men and women take up these theories, or ideas inspired by them, draw up political programs, create institutions, and conduct their lives according to them. As these theories become part of society in this way, they often have consequences that are unintended by the theorists who drew them up. Thus, to look back on our history and to understand our own form of life requires that we understand the theories that have in part shaped it. As Keynes wrote in his *General Theory*,

the ideas of economists and political philosophers, both when they are right and when they are wrong, are more powerful than is commonly understood. Indeed, the world is ruled by little else. Practical men, who believe themselves to be quite exempt from any intellectual influences, are usually the slaves of some defunct economist. Madmen in authority, who hear voices in the air, are distilling their frenzy from some academic scribbler of a few years back. I am sure that the power of vested interests is vastly exaggerated compared with the gradual encroachment of ideas. Not, indeed, immediately, but after a certain interval; for in the field of economic and political philosophy there are not many who are influenced by new theories after they are twenty-five or thirty years of age, so that the

ideas which civil servants and politicians and even agitators apply to current events are not likely to be the newest. But, soon or late, it is ideas, not vested interests, which are dangerous for good or evil.¹

Thus, when you study the consolidation of the modern state, the development of the institutions of political and legal sovereignty, and the growth of new forms of the state and law, you will be studying social and political processes whose ideas were first articulated by Hobbes; when you investigate the growth of the constitutional state of the 19th century, you will find the ghost of Locke; and when you learn about the socialist movement and the creation and operation of non-market industrial economies, you will not have to look hard to see the influence of Marx.

If we must study these theories because they have become integral parts of our world, and the history of the creation of that world, we must also study them because they continue to provide the essential ideas we use to understand and explain that world. One of the principal aims of the social sciences is to develop theories that explain the widest possible range of social phenomena in terms of a few basic principles. Ultimately, the idea is to create a unified theory that could account for many aspects of social life, including such things as war, the structure of families, the level of prices and employment, political revolutions, and the forms of religious practice. Social theories ultimately rest upon certain very basic assumptions regarding human motivation, rationality, sociality and needs. In other words, they presuppose a conception of human nature and society, some image of what it is to be a person and the relationships of people to one another. In order to understand these theories, it is essential that we grasp the basic assumptions upon which they rest and the fundamental concepts they put forward.

The theories that we will be studying in this course all rest upon some conception of the person and society on the basis of which social scientists have continued to develop theories even to this day. The first theory we will study is Hobbes's *Leviathan*. In this work Hobbes sets out a conception of the person and of society that will be familiar to many of you, for in many ways it resembles the ideas that underlie much of modern economics, political science, and sociology – not to mention our ordinary, unreflective ways of talking about society. Another theory we will study is Marx's, and the connections between his theories of society and contemporary Marxist ideas are obvious. There will be such connections for all of the theories we will study this semester.

These theories also provide the frameworks within which normative issues have been and continue to be posed. If we want to understand such concepts as liberty, equality, solidarity, democracy, the public interest, justice, or alienation, then the best place to begin is with the thinkers who first enunciated them, or who first thought about them in a systematic, rigorous, way.

This course, then, has a number of intellectual objectives. First, it will provide a background for the other work you will be doing in the College by presenting some of the theories that are important components of the social and historical processes you will be studying in tutorials. Second, by studying these theories and analyzing their structures and basic assumptions, you should come to see some of the assumptions that underlie the theories modern social scientists use to explain society. This should help you become more self-conscious about your own assumptions about what is involved in understanding social life. Third, you should come to see, at least in an impressionistic way, the connection between thinking about society in a certain way and holding certain values or principles regarding how society ought to be organized. And last, you should come to see that there are a number of fundamentally different and competing ways of thinking about modern society, and what some of these differences involve.

¹J.M Keynes, *The General Theory of Employment, Interest, and Money* (New York: Harcourt, Brace & World, n.d.),pp. 383-4.

The readings for this course are all classical texts of political and social theory, and many of them try to set out overarching views of human history, though necessarily based on information that is very limited due to the time in which these authors lived. You may wish to read or look at more recent efforts to describe the large sweep of human history, drawing on advances in the natural and social sciences in the last century or two. If so, I would recommend three texts: Jared Diamond, *Guns, Germs, and Steel: The Fates of Human Societies* (New York: Norton, 1997); Steven Pinker, *The Better Angels of Our Nature: Why Violence has Declined* (New York: Viking, 2011); Yuval Noah Harari, *Sapiens: A Brief History of Mankind* (New York: Harper Collins, 2015). Pinker's text is less sweeping than the other two, and focuses particularly on the decline of violence in human life in the last 800 years or so, and so is most directly germane to the concerns of our class.

One final note about the role of this colloquium in the CSS. This is the first occasion when your whole class will meet and work together on a common academic project. Thus, it is an opportunity to learn not only about the subject, but also about your colleagues. Ideally the colloquium will contribute to the development of a shared sense of membership and common purpose within your class, which can be one of the most valuable and rewarding aspects of the College experience, and something that is hard to find outside of the College setting.

The notes in this syllabus have been developed and refined over the years during which this course has been offered. They were originally developed by Brian Fay and Don Moon, but over the years they have been elaborated by many others.

II. Class Procedures and Assignments:

The class will normally meet Monday and Wednesday afternoons from 1:20 to 2:40. There is a study guide for each week, introducing the reading assignment for that unit by describing some of the general issues the readings address, and by offering a list of questions that direct your attention to essential points in the material; these guides are part of the syllabus, and begin on p. 7 below. There will be three kinds of writing assignments for the colloquium: quizzes, short papers and tutorial papers. Every week there will either be a short quiz at the beginning of class on Monday, or a short, 2-3 page paper that will be due two hours before the beginning of your section on Mondays. The short papers will focus on the material for the week in which they're due. Short papers will be assigned for weeks 1, 3, 5, 7, 9, 11, and 12; there will be quizzes on weeks 2, 4, 6, 8, 10, and 13. The first tutorial style paper (5-6 pages) will be due after fall break, on Wednesday, **October 27 at noon**; the second will be due **Saturday, December 18 at noon**. The tutorial papers will require you to engage critically with the readings from several weeks, and will be similar to the kind of essay you will be writing at the end of the year for your comps. One of the short papers may be submitted late during the semester. If you are late more than once, you will have to write a 6 page, tutorial type essay instead of the regular 2-3 page paper for each of the weeks in which you are late beyond the one allowable paper. Papers handed in for weeks in which you are absent will be counted as late. **All assignments should be sent to me as e-mail attachments in WORD.** If this is a problem for you, please contact me as soon as possible to make other arrangements.

Kalli Jackson will be the preceptor for this class. She will hold Zoom review sessions on Sunday evenings and will also work with individual students to help with their papers and writing. I strongly encourage you to participate in the Sunday sessions. The readings for this class are complex, often rather difficult texts, and you will find them more intelligible and interesting if you talk about them with other students and with the preceptor. The first preceptorial meeting will be Sunday, September 5; the time is tbd, and a Zoom invitation will be sent out ahead of time.

Disability Resources: Wesleyan University is committed to ensuring that all qualified students with disabilities are afforded an equal opportunity to participate in and benefit from its programs and services. To receive accommodations, a student must have a documented disability as defined by Section 504 of the Rehabilitation Act of 1973 and the ADA Amendments Act of 2008, and provide documentation of the disability. Since accommodations may require early planning and generally are not provided retroactively, please contact Disability Resources as soon as possible.

Books (all paperback):

978-1-55481-040-6 T. Hobbes, *Leviathan*, Broadview Press
0-87975-434-6 J. Bentham, *An Introduction to the Principles of Moral and Legislation*, Prometheus
0 915144 867 John Locke, *Second Treatise of Government*, Hackett
0 915145 60 X John Locke, *A Letter Concerning Toleration*, Hackett
978-1-55481-297-4 Rousseau, *Fundamental Political Writings*, Broadview
0-521-39837-1 I. Kant, *Political Writings*, Cambridge
9781551110882 Mary Wollstonecraft, *Vindications*, Broadview Press
0 393 0904 0X K. Marx, *The Marx-Engels Reader*, Norton
978-0684836386 E. Durkheim, *The Division of Labor*, Free Press
0 915144 43 3 John Stuart Mill, *On Liberty* Hackett
0-87220-283-6 Nietzsche, *The Genealogy of Morality*, Hackett
978-0-87220-665-6 Max Weber, *The Vocation Lectures*, Hackett

Some Notes on Writing:

In the CSS you will be doing a great deal of writing, which will give you the opportunity to improve your writing skills. We will be talking about writing in class, but here are some general notes you should bear in mind in writing your papers:

1. **Establish a focus.** A good paper has a thesis, a central idea or claim that it is making, and it presents an argument supporting that thesis. You should be able to make an outline of your paper, which will also be the skeleton of the argument you are making. It is often helpful to write out the outline – in sentence form, *not* simply as a list of topics – before writing the paper or, at least, the final draft. A good way to think about your paper is ask yourself, “What do I want my readers to believe after they have read my paper? What reasons can I offer them to think that?” If you can answer these questions succinctly, you’re off to an excellent start.
2. **Title.** The title should express the main idea or focus of your paper, preparing your reader to see immediately what you’re going to say, and why it’s interesting. Every paper written for this class must have a title.
3. **Structure and organization.** The paper should have a clear structure, with an introduction presenting the central question or problem you are addressing, a body that sets out a logical development of the reasons and evidence you are offering, and a conclusion that ties the paper together. In longer papers it is often useful to provide section headings. The introduction should generally state your main thesis or the central question you’re addressing in the paper and provide an overview of the structure of the argument.

Some specific points:

1. Please NUMBER your pages.

2. All quotations, paraphrases, and direct use of another's ideas (even if not quoted) **MUST BE** cited. Using parenthetical references (author's last name, page number); you do not have to use footnotes or endnotes in short papers. Footnotes can be used to present additional ideas, qualifications, or other points that would detract from the flow of the paper. If you are using a text other than one assigned for the class, please provide bibliographical information including publisher and date of publication.
3. Avoid common but egregious errors such as misuse of too, to or two; there, they're, or their; its or it's; affect or effect; principle or principal....
4. Since most if not all of our authors sometimes use "man" and "men" to refer to humans generally, when quoting them you should not change their language. You may refer to yourself using whatever pronoun you prefer.
5. There are a number of excellent guides for good writing. Strunk and White is a classic, especially for grammar and word usage; it also offers a useful set of "principles of composition." One option is Joseph Williams, *Style: Toward Clarity and Grace*. His work is particularly helpful in offering examples of how awkward passages can be rewritten, using rules or principles that are fairly concrete and address specific issues such as clarity, cohesion, emphasis, etc. (these are all chapter headings in his book). Anthony Weston, *Rulebook for Arguments*, offers a helpful discussion of how to develop (and express) an argument in a tight, logical way.

One final comment about class expectations: The structure of the CSS week means that most of you will only begin work on the colloquium after you have finished your tutorial on Friday, and that doesn't leave a lot of time for the reading and for doing the paper by Monday afternoon, and so you may be tempted to shortchange yourself, and do only enough of the reading to answer a specific question. That may often get you through the week, but only at the cost of not understanding all of the material, and taking that shortcut will hurt you when it comes to comps, or when you deal with some of these issues in your tutorials or other classes. If you are having difficulty keeping up, please don't hesitate to see me or Rosanne.

III. General Syllabus

Week 1 (September 6/8): T. Hobbes, *Leviathan*

Week 2 (September 13/15): J. Bentham, selections from *An Introduction to the Principles of Moral and Legislation*, and James Mill, "Essay on Government."

Week 3 (September 20/22): John Locke, *Second Treatise of Government* and "Letter Concerning Toleration."

Week 4 (September 27/29): J.J. Rousseau, *Discourse on the Origins of Inequality*.

Week 5 (October 4/6): J.J. Rousseau, *The Social Contract*.

Week 6 (October 11/13): The Enlightenment and the Idea of Progress, selections from Kant.

Week 7 (October 18/20): Mary Wollstonecraft, *A Vindication of the Rights of Women*, selections.

Weeks 8 (October 27): No class on the 25th due to Fall Break: **First tutorial length paper due On Wednesday 27th by noon.**

Week 9 and 10 (November 1/3 and November 8/10) Marx, selections from *The Marx-Engels Reader*.

Week 10 (November 15/17): Durkheim, *The Division of Labor* and *Suicide*, selections.

Week 11 (November 22): J. S. Mill, *On Liberty*. **Because of the Thanksgiving Break we will begin class at 12:00 on Monday and will finish class at the usual time, 2:40.**

Week 12 (November 29/December 1): Nietzsche, *The Genealogy of Morals*. Because of the Thanksgiving Break we will begin class at 12:00 on Monday and will finish class at the usual time, 2:40.

Weeks 13 (December 6 /December 8): Max Weber, the “vocation” lectures together with selections from the anthology, *From Max Weber*.

Final paper due Saturday December 18, 2021 at 12 PM EST.

College of Social Studies
Sophomore Colloquium in Social Theory

Fall 2021

Week 1 Thomas Hobbes (1588-1679): Egoism, Instrumental Rationality, and Social Order.

Thomas Hobbes is the author of one of the most powerful conceptions of human nature in the history of political thought. In the first part of his great work, *Leviathan*, he presents a conception of the person as a rational egoist. He conceives of the human being as a kind of machine: "For what is the heart, but a spring; and the nerves, but so many strings; and the joints, but so many wheels, giving motion to the whole body?" (p. 1, "Introduction").² Each of us is but a complex organization of matter in motion, and on the basis of this image he gives an account of sensation, language, thought, rationality, the passions, voluntary movement, and motivation. This is all set out in the first twelve chapters, and the picture that emerges is one of human beings who are egoistic in the sense that they are moved to action only to gratify their own desires or to escape the objects of their aversions. They are also rational in the sense that they are capable of learning the consequences of their actions, and of choosing an action whose consequences are, on the whole, most conducive to the satisfaction of their desires. This conception of rationality is called "instrumental rationality" because it limits the role of reason to the discovery of the best means to our ends. Reason, in this view, is an instrument of our desires or, as Hume would later put it, a slave of our passions. Reason is also instrumental in the (related) sense that it can be used to judge our beliefs about the world, and to determine whether a maxim of behavior or a particular course of action is most likely to advance our goals. But, according to this view, reason cannot be used to determine the (ultimate) goals we should pursue, or what things we should desire. Reason is limited to assessing the consistency of different ideas or statements – Hobbes calls it a kind of "reckoning." Therefore, while it can tell us if our actions are consistent with our goals, in the sense that they will advance these goals, or if our goals are consistent with each other, it offers no grounds for choosing among goals or values. (A similar view of the limitations of "practical" reason – reason as applied to action – is presented by Max Weber, over 250 years later, which we will discuss during Week 12.)

If human beings are rational egoists, each motivated to act on the basis of rational calculations of his or her own individual advantage, how is social order possible? What will social relations be like among creatures such as these? Much depends on exactly what goals we seek – how, in other words, we define our "self-interest." You should pay careful attention to Hobbes's account of how we come to have certain goals, and what they are.

His answer to the question of what social relations would be like among humans in the absence of a political order is set out in chapter 13, "Of the Natural Condition of Mankind as Concerning their Felicity and Misery." In the state of nature, Hobbes argues, "social" relations will be a state of war of everyone against everyone else:

In such condition there will be no place for industry, because the fruit thereof is uncertain: and consequently no culture of the earth; no navigation nor use of the commodities that may be imported by sea; no commodious building; no instruments of moving and removing such things as require much force; no knowledge of the face of the earth; no account of time; no arts; no letters; no society; and, which is worst of all, continual fear and danger of violent death; and the life of man solitary, poor, nasty, brutish, and short. (62)

This is not a pretty picture, and for the rest of the book Hobbes sets out a theory of how we can avoid it.

²Page references to the pagination of the 1651 edition. Spelling and punctuation have been altered to conform to contemporary standards.

His basic idea is that social order requires the existence of a system of rules regulating individual conduct, but this system will be effective if and only if the rules are enforced by an agency that has an effective monopoly of force.

Hobbes does not use the phrase "an effective monopoly of force," and it seriously understates what Hobbes takes to be the necessary condition for social order. What is distinctive about his position is that the power of the state must be absolute. Hobbes (along with Bodin) is the father of the idea of "sovereignty." Prior to Hobbes most political thinkers thought of the state as bound by a moral and legal order, and saw the purpose of the state as upholding that order. Hobbes is a radical thinker in that he completely rejects this traditional view, arguing instead that the state itself must be the **source** of the moral and legal order it upholds. There must, Hobbes argues, be a supreme power within the state, a sovereign authority whose decisions are absolutely final, an authority that is not answerable to anyone (at least anyone on this earth) for its decisions. Much of *Leviathan* consists of an account of the theory of sovereignty, together with a defense of Hobbes's central claim that a social order can be stable only when there is a sovereign authority.

But how is it possible for there to be a sovereign authority within society? What does this require? Evidently, one person or even one small group could hardly coerce everyone else to obey his or their orders, because the combined strength of the others would be greater than that of any part. (What assumptions does Hobbes make in offering this argument?) If I am to get you to obey me, then I will need the support of others in order to have more power than you, and so be able to force you to do my bidding. But why would others be willing to support me? Since everyone acts only in his or her own interests, others would support me in coercing you only if it were in their interests to do so. But why would supporting me be in their interests? In answering this question, Hobbes argues that if I am enforcing the law, and so acting to make social order possible, then my actions are in the interests of everyone except the person whom I am coercing. Thus, everyone else will support me, and I will have an overwhelming advantage of power in relationship to each person in the society who might be tempted to break the law. Thus, Hobbes concludes, a political agency, the mortal god, Leviathan, could in principle be formed from the unanimous agreement of everyone in society to obey it, because it is in the interests of everyone that it exist. And so, he argues, a social contract could bring it into being.

If a political order requires an institution that exercises an effective monopoly of force, then the question becomes, "What sort of institution would be most effective?" Should it be a monarchy, an aristocracy, or a democracy? What are the advantages and disadvantages of each? (Note that in posing this question we are making distinctions among the *forms* of government – but in every case the government would be "sovereign"; that is, it would have the powers of the Leviathan, as Hobbes outlines them.) Hobbes answers this question in the first few chapters of Part II, especially ch. 19. In considering Hobbes's answer, you should pay particular attention to his account of what the purpose of government is, for it is only in terms of that purpose that different forms of government can be assessed. In this regard, you should note his discussion of this matter in ch. 30.

Given the importance Hobbes attaches to the maintenance of order, it is not surprising that he was preoccupied with the problem of political stability. Much of Part II can be read as a theory of political stability, in which the impact of such factors as economic and social equality, different religious practices, and systems of taxation are considered. Some of the issues Hobbes discusses, including law, freedom, and punishment, will come up again and again throughout the term.

Assignment: Hobbes, *Leviathan*, Parts I, II, and "A Review and Conclusion." This is a very long reading assignment, one of the longest you will have this semester. It is possible to skim some of the chapters especially in Part II, particularly chs. 22, 23, 25, 27, 28, and 31. In these chapters Hobbes takes up a variety of topics; you might want to pay particular attention to the first couple of pages where he identifies

his topic and defines key terms (see, e.g., the first couple of pages of ch. 27). The rest of the chapter elaborates his position and addresses opposing views. Because of the length of the reading, you might want to skim those sections, using the notes printed in the margins as a guide.

Essay and discussion questions (write on **one** of the following questions):

The questions for this week are all essentially expository; they ask you to explicate part of Hobbes's argument. In future weeks some of the questions will be more analytical and critical, like the second set of questions below.

1. What does Hobbes mean by "felicity", and what is the relationship between felicity and power? What does Hobbes mean by "good" and "evil"? How are these ideas related to his conception of felicity?
2. What does Hobbes mean by "the state men are naturally in" or "the state of nature" and why does he call it that? Why is the state of nature a state of war?
3. Compare and contrast "right of nature" and "law of nature."
4. Why must the government be absolutely sovereign?
5. What is the best form of government, and why is it best?

Further topics for discussion in class:

1. Do you think people always act so as to maximize the satisfaction of their desires? Can you think of examples where it doesn't seem that they do? What would Hobbes say about these examples? Can the claim that people always act to maximize their self-interest be disproven?
2. Hobbes argues that there is a "similitude of passions" among people. What does he mean by this? How might someone argue against this claim?
3. Does Hobbes make a mistake by claiming that social order requires political power in the hands of Leviathan?
4. Is Hobbes committed to the view that existing societies have actually been created through social contracts?
5. What is the place of "civil philosophy" (or what might be called political science) in Hobbes's scheme of the sciences?
6. What is Hobbes's attitude towards the Church? What does he think the relation between church and sovereign should be? How are his views about the Church related to his views about other secondary associations ("systems")?
7. What does Hobbes mean by "liberty"? Is this an adequate definition?

8. Many people tend to think that moral skepticism and relativism naturally lead to liberalism in politics. Why does Hobbes's moral skepticism lead to illiberal politics?

Supplementary readings: The *Leviathan* is Hobbes's last and most comprehensive statement of his political philosophy. The English version (1651) differs somewhat from the later Latin version (1668). Hobbes had previously stated his views in the *De Cive* or *Of the Citizen* (Latin ed., 1642; English ed. under the title *Philosophical Rudiments Concerning Government and Society*, 1651), and in the *Elements of Law* (1650). In both of these earlier works he states portions of his teaching more clearly than in the better known *Leviathan*.

The secondary literature on Hobbes is enormous. Two fairly short and systematic treatments are David Gauthier, *The Logic of Leviathan* (Oxford, 1969) and J.W.N. Watkins, *Hobbes's System of Ideas*. For perspectives on Hobbes very different from that developed in the colloquium, see Richard Tuck., *Hobbes* (Oxford, 1989); Tuck stresses Hobbes's skepticism, and is very critical of the kind of interpretation developed in these notes. See also C.B. MacPherson, *The Theory of Possessive Individualism* and his introduction to his edition of the *Leviathan*, where Hobbes is interpreted as offering an apology for the rising bourgeoisie. Q. Skinner, "The Context of Hobbes's Theory of Political Obligation," in R.S. Peters, ed., *Hobbes and Rousseau* (Doubleday, 1972) also looks at Hobbes as an ideologist in the political contexts of his own time. See also Michael Oakeshott's "Introduction" to *Leviathan*, reprinted in his *Hobbes on Civil Association*. John Rawls (in his *Lectures on the History of Political Philosophy*) argues that Hobbes does not assume that people are rational egoists, and that his (somewhat anemic) account of human nature is put forward as a "political" conception of the person, a conception that is tailored to the specific purpose of developing a theory of politics, rather than as a complete account of human nature. Hobbes figures centrally in Robert Pinker's *The Better Angels of our Nature*; Pinker views Hobbes's account of civil order as the key to understanding why the prevalence of violence in human life has been falling for the past eight centuries or so, and offers an insightful account of why "reputation" is so important (and destructive) in societies without strong and effective states. More generally, in this book Pinker develops an extended defense or even celebration of modernity, and so it might be read as a complement to the CSS sophomore program.

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Sophomore Colloquium in Social Theory

Fall, 2021

Week 2 Bentham (1748-1832) and James Mill (1773-1836): Utility and Democracy

According to Hobbes, "The office of the sovereign consists in the end for which he was trusted with the sovereign power, namely the procuration of the safety of the people.... But by safety here is not meant a bare preservation, but all other contentments of life, which every man by lawful industry, without danger, or hurt to the commonwealth, shall acquire to himself" (ch. 30). But how is the sovereign to be constrained to pursue this end? For the people (or natural person) who exercises the powers of the sovereign will follow their own interests. Where those interests happen to coincide with the public interest, the public interest will be promoted, but where they diverge from the public interest, it will be sacrificed. Hobbes, as we have seen, argued that the best form of government would be a monarchy because under monarchy the private interest of the monarch and the public interest would generally coincide. He admitted that sometimes the monarch would abuse his or her position by harming a particular person in order to advance the monarch's personal interests. But, he insisted, there could be no way to restrain the sovereign without bringing about political instability, which would be even worse than enduring the "inconveniences" of occasional abuses of the powers of sovereignty. In his *Essay on Government* James Mill argues that Hobbes was wrong – that we can have the advantages of the sovereign without having to endure the abuses of the powers of sovereignty.

James Mill, the father of John Stuart Mill (1806-1873), was one of a group of people associated with Jeremy Bentham. This group was known as the "philosophic radicals," for they demanded that the practices of their society, particularly the political system, be rationally justified. It was not enough, they argued, that a law or practice be of venerable age, or that it somehow be thought to express the traditions and sentiments of the community. They argued that nothing was exempt from criticism, that every institution must justify itself by showing that it serves its purposes well.

But what are these purposes, and how are they to be determined? For Bentham, there is only one answer to that question: utility. In his most famous and often quoted words, "Nature has placed mankind under the governance of two sovereign masters, pain and pleasure. It is for them alone to point out what we ought to do, as well as what we shall do." Laws, institutions, public policies, individual actions – all should be designed or chosen in such a way as to maximize the pleasures and to minimize the pains that result from them. (In order to express this idea, Bentham coined the words "maximize" and "minimize.") This doctrine, which came to be known as utilitarianism (or hedonistic utilitarianism to distinguish it from other, later versions) is one of the most important principles of public life in the modern world. It is enshrined in the standards of contemporary political argument, in the demands for efficiency and rationality in government and administration, and in such mundane techniques as cost-benefit analysis. It has become so much a part of the way we think about moral and political choice that many people today cannot even imagine other ways of thinking. And it is Bentham who, in spite of his horrible style of writing, his long, boring, tendentious books full of neologisms, must be given much of the credit (or blame?) for this state of affairs.

Like Hobbes, Bentham started off believing in autocracy as the ideal form of government. With all of the powers of government concentrated in a single pair of hands, with the person of the monarch closely identified with the state, there would be someone who could effect reforms, and who would be moved to do so once he or she became convinced of their superiority to existing practices. Thus, he set out to advise the emperors of Europe, including Catherine the Great of Russia, proposing to them codifications and rationalizations of their legal systems in order to make the dictates of law accord with the principles of utility. His advice, however, was often ignored, and he came to think that autocrats were not the best promoters of the public interest, for their own interests (or at least their conceptions of their own interests)

often diverged from the public interest. But how could this opposition be overcome? Some way had to be found to align the interests of the rulers with the interests of the whole population if good laws and public policies were to be made. Bentham eventually came to believe that this could occur only when the rulers were accountable to the population as a whole: good government would have to be democratic government. Thus, Bentham and Mill came to offer one of the earliest arguments justifying representative democracy. In thinking about their argument it should be remembered that at the time "democracy" was widely regarded as one of the corrupt or unjust forms of rule. Theirs was a radical position at the time; indeed, it has only been in the past 70 years that "democracy" has come to have universally favorable connotations, so that even its enemies have to pretend to be its friends.

Given that Bentham/Mill and Hobbes share many assumptions about human nature and politics, particularly the idea that humans pursue the satisfaction of their interests in an instrumentally rational way, you might wonder why they arrive at such different conclusions about the ideal form of political order. In thinking about this question, you should pay particular attention to differences between them (note, for example, that Hobbes posits that one of our fundamental motives is "glory," but Bentham does not); you should also look for differences (and even mistakes) in their reasoning.

The reading from Bentham's *Introduction to the Principles of Morals and Legislation* sets out his general account of utility and law, and applies it to the problem of punishment. Bentham develops a very clear and powerful theory of punishment which is important to our practices today; we will return to this topic later in the term when we study Kant, Durkheim, and Nietzsche. James Mill's "Essay on Government" applies these ideas to the problem of designing the ideal political order, and presents the essentials of the utilitarian justification for democracy. Note that Mill's essay was written in part to garner support for the cause of electoral reform (a movement that culminated in the Reform Act of 1832); some of his arguments appear to be affected by that purpose, particularly his defense of the monarchy and the House of Lords, and possibly some of his reasoning about restrictions on the franchise. In both cases, Mill's argument seems to be inconsistent with the general theory he develops earlier in the pamphlet.

The basic understanding of human motivation and rationality that we find in Hobbes, Bentham and James Mill is crucial to modern social science. The idea that we are instrumentally rational utility maximizers is central to modern economics, and to rational choice theories in political science, sociology, and anthropology. The idea that we are above all concerned with our standing relative to others, that as Hobbes puts it, "man, whose joy consists in comparing himself with other men, can relish nothing but what is eminent" (p. 86), is central to many accounts of class and especially status competition in society. Later this semester we will examine how Rousseau analyzes this problem. Next week, and even more when we study Kant in week 6, we will examine a radically different view of human rationality, in which "reasonableness" rather than "instrumental rationality" is central.

Assignment:

J. Bentham, *An Introduction to the Principles of Morals and Legislation*, chs. 1-5, 13, 14, 17.

James Mill, *Essay on Government*, available in many editions and at <http://studymore.org.uk/xmilgov.htm> though unfortunately this edition does not include Mill's chapter headings.

Questions for Discussion: Note: there will be an in-class quiz this week; no short paper is assigned.

1. Set out Bentham's argument for the principle of utility. How convincing is it?
2. Take an example or two of specific types of activity that have been (or might have been) subjected to

legal regulation in our society, and analyze them according to Bentham's principles. Examples might include abortion, prostitution, narcotics dealing and consumption, stock fraud, regulating the price of gasoline or rents, prayer in schools, etc. Should any of the actions you discuss be proscribed? If so, how would you calculate the punishment for these crimes?

3. Hobbes, on the one hand, and Bentham and Mill, on the other, start out with very similar conceptions of human nature but advocate very different models of the ideal political system. How do you explain this difference? Which position is more correct?

4. According to Bentham, pain and pleasure are to determine both what people ought to do, and what they will do. But is this consistent? Is there not a conflict between his assumption of psychological egoism and his doctrine of utilitarianism?

5. "The trouble with the Hobbes-Bentham-Mill view of the self and society is that it assumes that people are always the best judges of their own interests, and this is manifestly false. Once we reject that assumption, all of their conclusions about how society ought to be organized must be rejected." Comment.

Supplementary Readings:

As you can imagine, there is an enormous literature on Bentham and his school. A classic account is Elie Halevy, *The Growth of Philosophic Radicalism*. A more recent and very readable account (and biography) of Bentham is Mary Mack, *Bentham*. Jack Lively and John Rees have edited a collection, *Utilitarian Logic and Politics*, which includes Mill's *Essay on Government* and much of the critical discussion it generated at the time (including Macaulay's attack on it). John Plamenatz offers an excellent discussion of the utilitarian justification for democracy in his *Man and Society* vol. 2, "Bentham". David Lyons, *In the Interest of the Governed*, is an interesting and important reinterpretation of Bentham's theory of law of politics. H.L.A. Hart's *Essays on Bentham* includes a number of useful and important papers. Russell Hardin offers an interesting and important reconstruction of utilitarianism in *Morality within the Limits of Reason*.

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Week 3: John Locke (1632-1704): Rights, Reason and Constitutional Government

For the first two weeks of the colloquium we studied two social theories which we interpreted as being rooted in a particular conception of human nature. Although there are important differences between Hobbes and Bentham, we read them as conceiving of humans as instrumentally rational, as motivated to act by wants or passions, and as essentially egoistic in the sense that their wants are principally, if not exclusively, self-regarding. This conception gives rise to a particular way of theorizing about society and social relations. For these thinkers, social phenomena are to be explained by showing how they arise from the rationally self-interested behavior of individuals. This atomistic approach to explanation is illustrated by Hobbes's account of the conditions of political stability, and by Mill's analysis of the interests that are promoted by different forms of government. This conception of the person also gives rise to a particular account of the human good, of what is of value for human beings. For these thinkers, the ultimate value is want-satisfaction. Accordingly, Bentham and Mill hold that the purpose of government is to organize society in such a way as to maximize the sum total of want-satisfaction or utility accruing to its members, and Hobbes's view is similar.³

John Locke represents a different tradition of political and social theorizing. It has often been fashionable to minimize the differences between political thinkers such as Hobbes and Locke; MacPherson, for example, sees Hobbes and Locke as both offering an ideology of "possessive individualism" to justify capitalist economic and social structures. Nonetheless, there are significant differences among these theorists which were of great importance to them. Locke, for example, is often read as providing a critique of Hobbes (even if, as Laslett points out in the "Introduction" to his edition of the *Two Treatises*, he did not see his main target to be Hobbes, but Filmer), and Bentham wrote a lengthy critique of Locke's political and ethical theory.

Perhaps the most striking differences between Hobbes and Locke can be seen when we consider their views on religious freedom and freedom of conscience generally. Hobbes, as we have seen, denies that individuals have any rights against the state and that one of the duties of the sovereign is to control the doctrines which subjects may teach and publicly profess (see ch. 18, p. 91, and ch. 31, p. 192). Locke, by contrast, insists that the authority of the state is severely limited, and that it does not extend to the "salvation of souls." His *Letter Concerning Toleration* is essential to understanding this vital impulse in Locke's thinking and in the liberal tradition in political theory generally. Like Hobbes, Locke tried to articulate an understanding of how society might be organized so that people could live together and enjoy civil relations with each other even when they disagreed about the fundamental values and purposes of life. But Locke, unlike Hobbes, offered a liberal solution to this problem – toleration and limited government. According to Locke, individuals have the right (within certain limits) to determine for themselves what their deepest beliefs and commitments will be, and to join with others who share their beliefs in common forms of worship and communal activity. This ideal, needless to say, continues to be important and controversial today.

³Hobbes, unlike Bentham and Mill, believed that humans were inherently envious, and so they are above all concerned with what they have compared to others. To the extent that each of us assesses his or her well-being in relative terms the idea of adding up individual well-being to determine the well-being of the group as a whole becomes problematic.

In reading the *Second Treatise* you may be struck by the fact that Locke begins with an account of a set of basic human rights, rights that we have by nature and which are therefore independent of our membership in any particular society. By contrast, Bentham once described the doctrine of natural rights as "nonsense upon stilts," and Hobbes denies that human beings have any rights (in the sense that Locke uses this term, that is, rights in the sense of property, including the right to one's own body) in the state of nature at all. As you read further in Locke, you will see that these rights are so important that their protection is the principal function of government, and that governments themselves are limited by these rights. In fact, in order to prevent government from abusing our natural rights Locke argues for a "mixed government" in which different powers are divided between different institutions (the legislative and the executive/federative, in Locke's language – note how that differs from the theory underlying the US constitution). This proposal directly contradicts one of Hobbes's and Bentham's most important ideas, that there must be a locus of absolute, undivided sovereign power within the government.

As you can imagine, Locke's conception of what it is to be a person is different from Hobbes's and Bentham's, and that is why he starts his political theory with human rights rather than with interests. According to the Lockean model, humans are not merely instrumentally rational, but they are also *reasonable* in the sense that they are capable of recognizing and abiding by⁴ principles in their conduct. Because we are reasonable beings (and not simply instrumentally rational) we are able to discover certain principles of reason which require conduct that may be against our immediate self-interest. Locke does not develop this idea as fully as he might, but relies principally upon a religious justification for human rights. (The idea that reason is an adequate grounding for rights, and that human possess rights just because they are capable of reason is most fully developed by Kant a century later.) Nonetheless, this idea is implicit in much of what he writes, and at times is stated explicitly. Thus, in ¶ 6, lines 7-10, he writes "Reason, which is that Law, teaches all Mankind, who will but consult it, that being all equal and independent, no one ought to harm another in his Life, Health, Liberty, or Possession." This fundamental law of nature is a precept of reason, and because we are reasonable, we are capable of apprehending and acting upon it.

Locke, of course, does not believe that we are purely reasonable beings – disembodied creatures who merely think all the time. Rather, we are also appetitive creatures who have wants and desires of various sorts, including a desire to live. Because I want to preserve myself, I demand that others not harm or kill me. And because others want to live, they make the same demand of me: that I not harm or kill any of them. Because I am a reasonable being, I recognize that if others have reason to accept my demand that they not harm me, i.e., if I am to have a right to live, I must acknowledge that everyone has a right to live, and so accept a duty not to harm or kill them. Thus, the state of nature is not, as Hobbes argued, a condition in which there is no moral order, in which no one owes duties (or at least duties that they must observe in their conduct) towards others. Rather, it has a law to govern it, a law which most of us, most of the time, are capable of observing. It is, therefore, not (or not always) a state of war.

There are some political theorists who conceive of human nature in the way I have just described, and who go on to argue that there is no need for government – that all government is unjust – and advocate a condition of anarchy (they are called individualist anarchists – see fn. 10, p. 40 below). But Locke does not go this far. Humans, he argues, are *imperfectly* reasonable beings. While reasonableness may be part of our nature, not all humans are fully reasonable – just as it is part of the nature of the acorn to grow into an oak tree, but not all acorns do so. Thus, there are some degenerate people who renounce "Reason, the

⁴To say that for Locke we are capable of "abiding" by principles might be a little misleading. As can be seen from his discussion of atheism in the *Letter*, Locke thinks that in a certain sense we are like Hobbesian men and women, that we will abide by reasonable principles only because we fear divine punishment and hope for heavenly reward. It is only with Rousseau and, more explicitly Kant, that this idea of "reasonableness" will be fully developed.

common Rule and Measure, God hath given to Mankind" by committing aggression against others. In doing so, Locke argues, they declare "War against all Mankind, and therefore may be destroyed as a Lyon or a Tyger" (§ 11, lines 21-5). Moreover, and perhaps more important, everyone is liable to act unreasonably when his or her own interests are involved in a dispute. If I feel that I have been wronged, I may defend myself and punish the aggressor, but I may not always judge the situation correctly. In such cases I may commit acts of aggression, and my victim will be justly outraged and will try to ward me off. Although Locke does not make this point, we might argue that because we are capable of justice and moral action, conflicts like this may be quite violent. Someone concerned only with his self-interest would fight only when it appeared to be to his or her advantage to do so; if the stakes were not high, or it looked like one might lose, one would flee. But people who are capable of acting upon principles might continue the struggle because for them what is at stake is not merely the item in dispute, but the very principles of the moral order which in part define their identities as morally upright men and women. Consider the common saying, "It's the principle of the thing!", which we often hear when someone is pursuing something to an extent that goes well beyond what he or she actually has at stake in the matter. Thus, while the state of nature is not necessarily a state of war, it may become one, and a government is necessary to provide an impartial judge to which we can appeal when disputes arise, to provide an authoritative interpretation of the requirements of justice (or, in Locke's language, the law of nature), and to enforce the law. But, of course, it will be a very different government from Hobbes's or even Bentham's.

In emphasizing the ways in which Locke differs from Hobbes and Bentham I do not mean to suggest that there are no similarities. Locke, Hobbes, and Bentham are all committed to the view that there is a "human nature" which is the same for all humans at all times (one might call this view "ahistoricism"). Both are individualist in orientation, in that they see the individual as "prior" in a certain sense to political society. That is, they do not believe that membership and participation in a *political* community is by itself necessary to human fulfillment or to the realization of the human good. For them, the value of political association is instrumental, in that it enables us to protect interests and rights that arise outside of politics. "If men were angels," wrote Madison in this vein, "no government would be necessary" (*Federalist* #51). They all see human interests as based in our passions and appetites, and view freedom in negative terms as the absence of restraints on one's actions. They also regard nature as a set of resources for humanity to exploit. These shared notions will come into sharper relief in the next few weeks as we study Rousseau and Marx, whose theories are deeply opposed to the individualism and ahistoricism of Hobbes, Locke and Bentham.

Assignment: John Locke, *The Second Treatise of Government*, particularly chs. 1-11, 15, and 19, and his *Letter Concerning Toleration*.

Questions for essays:

1. Briefly outline Locke's justification for private property in land and material objects. Is his justification persuasive?
2. According to Locke, what is the ideal or proper form of government? How do you suppose Locke would respond to Hobbes's arguments about the best form of government?
3. What is (are) the meaning(s) and function(s) of consent in the *Second Treatise*? Why does Locke have to introduce the notion of tacit consent? Is this a coherent concept?
4. Although Locke invokes God in setting out his account of natural law and natural rights, he also suggests

that the law of nature is also the law of reason (see, e.g., §6). How **necessary** is a belief in God to the idea of "natural right"? Could one affirm natural law without presupposing the existence of God?

Further topics for discussion:

1. What does Locke mean by "civil" or "political" society, and by "political power," and why does he think it necessary for human beings to live in civil or political societies under a government exercising political power? How does civil society differ from other forms of kinds of "society"? Why can the valid purposes of government not be fulfilled by purely voluntary organizations?
2. Who or what are the parties to Locke's social contract? What are the terms of the contract, what are its ends, and what constraints does it acknowledge? How do Locke's answers to these questions differ, if at all, from Hobbes's?

Supplementary Readings: For other accounts of Locke, see Laslett's excellent introduction to the Cambridge University Press edition of the *Two Treatises* and the extensive bibliography he provides. For a very different view of Locke from that presented here, see C.B. Macpherson, *The Political Theory of Possessive Individualism*. For a discussion of the *Letter Concerning Toleration* see "Liberty of Conscience," in John Plamenatz, *Man and Society*, vol 1, and the Tully's introduction to the Hackett ed. Rawls (*Lectures on the History of Political Philosophy*) offers a different view of Locke's social contract from the one presented in these notes and in class.

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Week 4: Rousseau (1712-1778) I: History and Human Nature

Rousseau's *Discourse on the Origin and Foundations of Inequality Among Men* (1755), also known as the *Second Discourse* marks a sharp break with the traditions of social theory that we have studied until now. In this seminal work Rousseau criticizes the individualism and ahistoricism of Hobbes and Locke and offers an alternative view which sees humans as – within very broad limits – social and historical creatures. According to Rousseau, our actions should not be understood as reflecting an invariant, universal human nature. Rather, we might be said to have the "nature" we have, to be the kind of creatures we are, because we belong to a social group located in a definite historical period. What Locke, Hobbes, or Bentham thought was part of the nature of individual human beings, Rousseau took to be largely the result of our being members of groups that had experienced a particular history, and had come to be organized according to certain conventions.

Rousseau sees humans as essentially social not merely in the sense that we live with other humans and depend upon them to satisfy our needs, but in the sense that the qualities that make us recognizably human only develop in society. We come to have the characteristics that distinguish us from other animals, such as speech, reason, morality, and self-consciousness, because of our interaction with others. Moreover, we develop specific identities and characters as a result of growing up and living in particular societies. Our values, beliefs, ways of looking at the world, traits of character, motivations – all are a result of our social experiences and interactions. These ideas are commonplace today, but that is in part because of the power and conviction with which Rousseau expressed them. The thinkers who came after Rousseau (with some notable exceptions) had to respond, either implicitly or explicitly, to his ideas, for he fundamentally changed the terms of our discourse about human action and society. It would not be much of an exaggeration to call Rousseau the father of the modern social sciences (with the possible exception of economics).

One way to read the *Second Discourse* is to see it as presenting a critique of, and an alternative to, Hobbes. (This is not the only way, but it is particularly appropriate to the concerns of this course.) The critique of Hobbes begins with Rousseau's discussion of the state of nature at the beginning of the "First Part" of the *Second Discourse*. But you should pay close attention to the material before that, especially the "Preface" where he provides something of an overview of his argument, and addresses some of the conceptual issues involved in thinking about human nature. You should also pay close attention to the "Notes"; if you have an edition that does not include Rousseau's notes you should not use it as they are essential.

Rousseau begins his critique of Hobbes by imagining what humans would be like if they were stripped of all of those qualities which result from their living in society in interaction with others, but on the supposition that they have certain (though limited) innate dispositions and capacities. He refers to these at a couple of points, and they include the ability to learn (Rousseau calls this capacity "perfectibility"), the capacity to choose, or free will, and what he calls the "principles" of self-preservation and compassion or pity (though we might think of these as basic or natural motivations). Hobbes, of course, would reject the idea that humans are compassionate by nature, but Rousseau does not make use of this idea until after he has presented his critique of Hobbes. He begins with the assumptions that people are motivated to act only by a desire for self-preservation, and that their capacities for choice and learning are undeveloped. Given these assumptions, Rousseau concludes that humans by nature have no need of one another; they are physically self-sufficient and, what is more important, they are psychologically self-sufficient. They have

few, easily satisfied appetites. The key reason for this is that they would not yet have developed the capacity for reason, and so would not have the foresight to see that they would have needs in the future, and so they would not strive to acquire the power to satisfy those needs. You should ask why Rousseau does not think humans would develop the capacity for reason if they lived outside of society, and exactly where his account differs from Hobbes's.

Further, living outside of society without the capacity for reason, humans could not develop the desire for what Hobbes calls "glory," and what Rousseau calls *amour-propre* (vanity, pride, or egoism in most English translations), for this trait could only arise when people live and interact with each other regularly, and develop the capacity to reason, which is necessary if they are to compare and evaluate one another. One of Rousseau's most important ideas is that *amour-propre* is not, as Hobbes held, a primary passion at all. It is entirely derivative, and one of the tasks he sets himself in this *Discourse* is to explain why it develops, and how it can be avoided or limited.

Rousseau concludes that the state of nature would not be a state of war, arguing that Hobbes is mistaken in thinking otherwise because he fails to see that the capacity to reason and to compare oneself to others, which is required for the war of each against all, could not develop under the assumptions that define his state of nature. Rousseau then goes on to observe that if humans have a disposition to compassion – a kind of spontaneous identification with others that makes us reluctant to cause suffering – there is even more reason to suppose that the state of nature is peaceful. But his criticism of Hobbes does not depend on the assumption that humans are compassionate by nature. Hobbes errs not simply by neglecting pity, but more fundamentally by imputing to humans the ability to reason and to make comparisons which could only be acquired in society.

If the state of nature is not a state of war, if humans are not necessarily egoistic and vain, then the range of possible forms of political and social organization might be much greater than Hobbes had thought. Hobbes believed that an absolute sovereign was necessary, and absolute monarchy desirable, because he believed that people inevitably come into deep and continuous conflict since everyone defines his or her good in opposition to the good of others. But if humans are not quarrelsome and contentious by nature, then it might be possible for us to imagine circumstances in which we would not consider our own good to be at odds with the good of others, and so we might be able to create a different kind of society from any Hobbes thought possible.

Before we can envision alternative forms of social order we have to explain how human beings develop their capacities for reason and will, and how they come to have particular motivations, beliefs, and values. This is the task which Rousseau sets himself after disposing of the Hobbesian conception of the person and society.

The quandary Rousseau faces is a version of the old "chicken and the egg" problem. He has argued in his critique of Hobbes that reason and language could not develop except in society, but he also realizes that society (or at least recognizably human society) could not exist without language and therefore reason. We can't imagine people acquiring language unless they lived in society with each other, but we can't imagine their living in society unless they had language. Now he never satisfactorily solves this problem, but he does offer some conjectures as to how the human race could have emerged from the early or "pure" state of nature, where they lived in an isolated, animal-like way, into a state of primitive or natural society, which might be called the advanced state of nature. One of the questions that you might think about is whether Rousseau really needs to solve his quandary at all, or whether he could merely begin his theory by assuming that human beings always lived in primitive societies. Another way of putting this question is to ask whether Rousseau really needs to assume that the pure state of nature, where people lived like animals, actually existed at an earlier time, or whether he constructs it in order to develop his critique of Hobbes.

Rousseau describes the advanced state of nature in the first several pages of the "Second Part" of the *Second Discourse*. Here he explains how such paradigmatically human traits as reason, language, self-

consciousness, morality, and the family arise out of social interaction. Of course, along with these traits come *amour-propre* or vanity (or egoism, depending on your translation), which Rousseau distinguishes sharply from *amour de soi-même*, or self-love (especially in his “note” to this section of the text). You should pay close attention to the difference between these two concepts, and to Rousseau's account of their relationship. Both *amour-propre* – the source of our greatest ills – and morality arise together, and both depend on the desire that individuals develop for social recognition, which turns out to be absolutely central to understanding human behavior. But while *amour-propre* might always exist in society (to that extent Hobbes might be vindicated, even if his argument was wrong), its extent and importance – and therefore its implications for social order – vary enormously. In the advanced state of nature, Rousseau argues, it is quite limited. As you read this section you should ask yourself what are the characteristics of natural society that keep vanity in check.

Having developed an account of society in which he has shown that basic traits and capacities of individuals can be explained in terms of their membership in social groups, Rousseau goes on to show how changes in society – and with them, changes in the nature of the individuals who compose it – lead over time to new forms of social order, and (in a sense) new kinds of men and women. He explains how humans come to leave natural society and enter civil society, and he traces a “hypothetical history” showing how civil society develops through different stages to its ultimate destiny in despotism. In the final stages of civil society Rousseau describes a world that is a corrupt form of the pure state of nature from which he began his account. You should pay particular attention to the factors which bring about these changes; what are the sources of dynamic change in Rousseau's theory, and how do they work?

You will notice that this account of Rousseau's *Second Discourse* implicitly divides the body of the work into three parts: the pure or primitive state of nature (corresponding roughly to the “First Part”), the advanced state of nature or natural society (corresponding to the first 1/3rd of the “Second Part”) and the development and dynamics of civil society (the balance of the work). You should note that Rousseau uses the term “state of nature” to refer both to what I have called the early or pure state of nature and to the advanced state of nature, or natural society. He does not use separate terms to refer to these different conditions, and that may make some of his references confusing. For example, a common mistake is to think that Rousseau opposed “nature” to “society,” claiming that society results in human corruption. But that is clearly wrong, since people in the advanced state of nature live in society. You may want to ask why Rousseau used the same term to refer to two distinct pre-political stages.

These comments have focused on contrasts between Rousseau and Hobbes. There are also significant similarities between their teachings. In particular, they agree in their understanding of natural right; and, most important of all, they are both contractarians who understand the logic of the contract in similar ways, even if they draw different conclusions from it.

A final comment: the original purpose of this work is to answer the question posed by the Academy of Dijon. Although we have other interests (which have dominated these notes), we should not lose sight of that very important issue.

Assignment: J-J. Rousseau, *Discourse on the Origin and Foundations of Inequality among Men*

Questions for Discussion: Note: there will be an in-class quiz this week; no short paper is assigned.

1. If the state of “nature” is a state of peace, then what accounts for the transition from it to the state of civil society, and what causes this transformation? What alternative accounts of the origin of civil society does Rousseau reject, and what are his reasons for rejecting them? (Note the ambiguity, discussed above, in Rousseau's use of the phrase the “state of nature.”)

2. Explain what Rousseau means when he says, "the Savage lives within himself; sociable man, always outside himself, is capable of living only in the opinion of others and, so to speak, derives the sentiment of his own existence solely from their judgment" (p. 187; Part II, ¶ 57).
3. According to Locke, everyone participates freely in the formation of the political association in the original social contract, but Rousseau (in the *Second Discourse*) represents the first formation of the state as a clever trick pulled off by the rich against the poor. Why do they differ in this way? Which account seems to you the more reasonable?
4. How does Rousseau understand the question posed by the Dijon Academy? That is, how does he understand "inequality," "natural law," and what, in his view, is the origin of inequality among men? Is it authorized by natural law?
5. What are the main features of Rousseau's "pure" state of nature, and what role does it play in his argument?
6. According to Rousseau, self-consciousness, morality, and vanity all arise together. Why is this so, and what are the principal relationships among them? Can there be "pity" prior to or independently of "vanity"?
7. What is the meaning, and what is the role of "accident" in Rousseau's *Second Discourse*?
8. What stages does Rousseau distinguish in the state of nature, and on what basis does he distinguish them? What stages does he distinguish in the civil state, and on what basis does he distinguish them?

Supplementary Readings:

Since this is a two-week unit, the obvious place to go for more readings is to next week's assignment. Beyond that, you might read the *First Discourse*, which will give you a more comprehensive perspective on Rousseau's work. Useful secondary sources, in addition to the introduction to our edition, include the chapter on Rousseau in Plamenatz, *Man and Society*, vol 1, Roger Masters, *The Political Philosophy of Rousseau*, and V. Gourevitch, "Rousseau's Pure State of Nature," *Interpretation* 16 (Fall, 1988): 23-59. For an account of Rousseau that differs sharply from the one presented in these notes, particularly regarding Rousseau's understanding of vanity (*amour-propre*) see John Rawls, *Lectures on the History of Political Philosophy*.

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Week 5: Rousseau II: Consensus and Social Order

In the *Discourse on the Origins and Foundations of Inequality Among Men* Rousseau argued that as a result of social interaction an individual develops a sense of personal identity, a sense of oneself as a distinct person with a definite worth, and a corresponding desire that others recognize one's identity and worth (though this way of putting it is not Rousseau's). This is the desire that lies behind both the development of morality, which Rousseau sees as involving mutual and equal recognition of persons, and *amour-propre*, in which one demands that others show regard to oneself in ways that one is not prepared to show regard to them. Rousseau also argued that the importance of *amour-propre* in human life varies systematically with the nature of society. In natural society, where the division of labor has not developed beyond the family, he thought that *amour-propre* would not be a major source of motivation in part because no one would have the means to enforce a demand for unequal recognition. But as society develops from primitive conditions, permanent forms of inequality and asymmetrical relationships of dependence come into being, and a fateful "dialectic of inequality and *amour-propre*" propels us away from a social order based on equality and freedom to one based on despotism. Rousseau saw this process as the natural result of the division of labor and the development of property.

Rousseau's analysis of the normal course of social evolution is essential to an understanding of the *Social Contract* (1762), for in this work Rousseau asks whether there is any alternative path a society might follow. Is it possible to create the moral conditions that naturally occur in the advanced state of nature, where people live relatively free and self-determining lives and where the effects of vanity are limited, in a complex society based on the division of labor and property? This is the question that *The Social Contract* is intended to answer. As Rousseau puts it, the problem is

To find a form of association that will defend and protect the person and goods of each associate with the full common force, and by means of which each, uniting with all, nevertheless obey only himself and remain as free as before. (Bk I, ch. 6)

Rousseau's answer, briefly, is that this can occur under favorable conditions, at least for a certain period of time, if the rules under which we live are expressions of the "general will."

Before pursuing Rousseau's answer, however, we might ask a prior question: why should we want to find an alternative path of social development? In other words, what normative standard does Rousseau accept, which underlies his rejection of the despotism and inauthenticity that he sees emerging in civil society? This problem arises because, as we saw last week, Rousseau rejects the idea of a fixed, invariant conception of human nature as an adequate ground for social theory. We must explain human actions and the characteristics of a society not in terms of some "given" qualities that all humans share, but in terms of the particular processes of historical change that have shaped the people and the society we are studying. But if we reject the idea of human nature, don't we also deprive ourselves of any standpoint from which to evaluate human behavior and social practices as well?

Without wanting to argue that Rousseau posed these questions for himself in just these terms, I would suggest that there is an answer that is implicit in his work, and that is the idea of a "society adequate to human needs." While rejecting the view that there are some fixed, essential human needs whose satisfaction can be used as a standard to evaluate different societies and social institutions, we can still use the idea of human needs as a basis for social criticism and evaluation. Briefly, we can ask of any form of social order whether it provides its members the opportunity to satisfy the needs and to realize the values they have come to have as a result of growing up and living in that society. Given this standard, we should reject any society that systematically frustrates the aspirations of the people who compose it, and seek to

create forms of social life in which people are able to live in accordance with the values and principles they come to have as a result of living in that society. Thus, to judge civil society as undesirable, one need not have recourse to some particular conception of the "human essence." Rather, one may observe that it is a form of society in which people come to have needs based upon vanity, upon a desire for higher status and regard than others have, and therefore a society in which most people will experience their lives as frustrating because most people will be unable to satisfy needs such as these. Natural society and the society organized on the basis of the general will, on the other hand, are both forms of life where people come to have needs that they can realize, and so can live lives that are more or less happy and fulfilled. The good society is a society whose members are at one with themselves and with one another. This occurs spontaneously in natural society, and Rousseau argues that it is also possible in a political society – but only if it is organized in accordance with the general will.

The general will is a key political concept for Rousseau, but it is not an easy one to understand. In reading and discussing this book we will have to pay close attention to what he says about the general will, how it functions to insure political order, and how it differs from the "will of all." One thing is clear, however, and that is that the general will must be a **general** will, and not the particular will of just **some** people. (In this regard you should ask what Rousseau means by "freedom," and how it compares with the way Hobbes or Bentham use this term. See especially Bk I, ch. 8 in this context.)

In conceptualizing a society in which the general will is the basis of social order, Rousseau is developing what might be called a "consensus theory of social order," which holds that ongoing social life is made possible, at least under certain conditions, by the members of the society seeing themselves as part of a moral whole and willingly abiding by its laws. Society coheres because its members are integrated into it on the basis of norms they all share, which is the general will. The distinctiveness of this theory can be appreciated by comparing it with Hobbes's, who argues that the basis of social order is force and self-interest.

Rousseau argued that several conditions are necessary in order for a consensus on values and principles to be the principal basis of social order. In the first place, it is only in a society in which people participate in determining the general will that it can emerge. Second, the general will is possible only when people share common interests and can identify with one another, and this means that inequality must be limited. Finally, the society must not be fragmented into groups with distinct identities and interests. Later thinkers such as Durkheim will question whether these conditions are really necessary, but Rousseau's ideal (or at least ideals inspired by Rousseau) of collective self-determination, equality, and freedom will serve as an inspiration to the radical critique of liberalism and market society, or capitalism, which we will find in Marx and his vision of communism.

In reading *The Social Contract* you should ask how his image of a society based on the general will develops out of the general account of human nature and society that Rousseau sets out in the *Second Discourse*. Answering this question will bring these two works together for you, and will show you how Rousseau provides a unified conception of the person and society that is as rich as Hobbes's, and stands in sharp contrast to it.

Assignment: J.J. Rousseau, *The Social Contract*.

Questions for Essays:

1. What is the difference between the general will and the will of all?
2. How can Rousseau explain the apparent contradiction in his famous statement that a citizen can be "forced to be free"? (See I, ch. 7 and IV, ch. 2.)
3. Why is the legislator (or statesman, depending on your translation) necessary?

4. What does Rousseau think of representative democracy?

College of Social Studies
Sophomore Colloquium in Social Theory

Fall 2021

Week 6: Kant (1724-1894)

Kant is one of the most prominent philosophers of the Enlightenment. In common with other thinkers like Condorcet, Kant seeks a rational politics, one in which the principles of public life (as well as the principles of individual morality) would fully reflect the claims of reason, and he believes that this ideal requires a constitutional republic that respects human rights and freedom. Unlike Condorcet, Kant does not think that the natural sciences provide an adequate model for moral and political knowledge. The natural sciences provide an understanding of the phenomenal world of matter and energy, a world governed by the causal laws of physics and the other sciences. Morality, however, presupposes freedom, the capacity of agents to choose between right and wrong. Without such a capacity, the whole idea of moral responsibility and judgment, would be empty; indeed, the very notion of morality (or political theory) providing the rules that we should use to decide what to do presupposes that we have decisions to make, that we *have* choices. Practical reason, then, cannot simply be a branch of natural science, since it has a fundamentally different goal: in using practical reason, we seek to guide our actions, rather than simply to explain why things happen in the way they do.

Kant seeks to ground basic moral and political principles in reason itself, and so not to accept any contingent starting point for morality such as valuing one's own life (Locke), or moral "sense" or feeling (Hutcheson). The problem is that to begin moral philosophy with some given, empirical end can yield moral rules or norms *only* for those people who happen to hold the end in question. In Kant's terminology, this strategy can give us only hypothetical imperatives, rules telling us how we must act *if* we want to achieve a certain end. For example, Hobbes's natural laws are hypothetical imperatives; he calls them convenient articles of peace. They take the form, "if you wish peace, then you must be prepared to..." For Kant this is unsatisfactory. He distinguishes moral action from non-moral action precisely on the grounds that the former involves acting on *nothing but the claims of reason*. Thus, he rejects the commonly offered justification for being honest, namely that "Honesty is the best policy," because whether it is or not depends upon what our goals are, and what situations we find ourselves in. Sometimes it will pay to be dishonest. For Kant, then, if honesty is morally required, it must be required categorically: "Thou shalt not lie – period!" (or, as Kant puts it, "Honesty is better than any policy" (p. 116)).

Kant seeks what he calls a categorical imperative: a norm that is binding on us, and on all rational agents, irrespective of the particular ends we seek, or our particular situations, aims, or beliefs. The categorical imperative is entirely objective, so to speak, for it does not depend upon anything that pertains merely to a particular subject, such as the values one holds and the loyalties one feels. Indeed, it doesn't even depend upon one's being a human being since it applies to all rational agents. If someone like R2D2 existed (or comes to exist), the categorical imperative would apply to them as well.

To make sense of the idea of one's actions being determined by reason as opposed, say, to desire or inclination, one may begin by thinking about autonomy, which in Kant's view is a necessary presupposition of moral action. To grasp the idea of autonomy, consider the opposite idea, determinism. People have sometimes argued that social conditions together with the socialization experiences of a person determine the person's desires, which in turn determine one's actions. For example, it might be said that the reason a man committed a crime is that he was abused as a child. If this deterministic view is a true account of human action, Kant argues, it follows that we never really have any choices to make, and so we are never responsible for what we "do." In such a world, he argues, there can be no such thing as morality; morality would not have any point, for we would have no choices, and so no need for morality to guide our choices.

Thus, if morality is to be possible, we must think of human beings as capable of free activity. But where could such freedom come from? Kant's answer: from the fact that we are rational beings (in addition to beings with desires, habits, etc.), that is, from **reason**, which gives us the *moral law*.

In his *Critique of Practical Reason* Kant gives us an example of what he has in mind: Suppose that someone says his lust is irresistible when the desired object and opportunity are present. Ask him whether he would not control his passion if, in front of the house where he has this opportunity, a gallows were erected on which he would be hanged immediately after gratifying his lust. We do not have to guess very long what his answer would be. But ask him whether he thinks it would be possible for him to overcome his love of life, however great it may be, if his sovereign threatened him with the same sudden death unless he made a false deposition against an honorable man whom the ruler wished to destroy under a plausible pretext. Whether he would or not, he perhaps will not venture to say; but that it would be possible for him he would certainly admit without hesitation. He judges, therefore, that he can do something because he knows that he ought, and he recognizes that he is free – a fact which, without the moral law, would have remained unknown to him. (p. 30)

What Kant is saying is that even our strongest passion – the love of life – can be overcome by knowing the moral law, and so we know that we are free. (This idea of freedom is similar to Rousseau's notion of "moral freedom," and the idea of "positive freedom" more generally.)

What is the moral law? What is the categorical imperative? There are a number of different ways of understanding what Kant had in mind; one useful way is to think about it as a way of testing whether a proposed action is morally permissible. Any action can be characterized in terms of a certain "maxim" to which it conforms, or which expresses the point or purpose of the action. For example, if I am thirsty and want to drink some water, the maxim of my proposed action might be expressed as, "When I am thirsty, let me drink water." The categorical imperative can be thought of as a device to test the "maxims" of our actions, and only those actions are morally permissible whose maxims are consistent with the categorical imperative.⁵

Kant offers four formulations of the categorical imperative:⁶

1. The Principle of Universal Law:
Act only according to that maxim by which you can at the same time will that it should become a universal law.
2. The Formula of Autonomy:
So act that the will through its maxim could at the same time regard itself as legislating universally.
3. The Principle of Personality:
So act that you treat humanity in your own person and in the person of everyone else at the same time as an end and never merely as a means.
4. The Kingdom of Ends Formula:
Every rational being must so act as if he were through his maxims always a legislating member in the universal kingdom of ends.

⁵Some would argue that the CI specifies directly the content of our duties; rather than a screening device, it is said to function as a foundation for more specific moral rules. It's not obvious that these interpretations would yield substantively different results. Note that there are three categories in which actions may fall: obligatory or required, permitted, and forbidden.

⁶These formulas are taken from H.B. Acton, *Kant's Moral Philosophy*.

All of these formulations are different versions of the fundamental moral law. All are categorical imperatives. They focus on somewhat different aspects of moral duty, but should be thought of as different ways of saying the same thing.

Categorical imperative and reason:

These imperatives are seen as in some way involving an appeal to the principle of non-contradiction. It is this which makes these laws or imperatives rationally necessary. To see this, take the first formula:

The Principle of Universal Law: Act only according to that maxim by which you can at the same time will that it should become a universal law. In another version, "Act so that the maxim of your will can always at the same time hold good as a principle of universal legislation."

The "maxim" of your action is a statement of what you're trying to accomplish in performing the action. The rationality of your action can be tested in two ways. First, we can ask whether it is rational to suppose that doing what you propose to do will in fact achieve the purpose or the point of the action. This involves what we have been calling "instrumental rationality," which is what Hobbes takes practical reason (reason applied to practice, to what we do) to be. Second, we can ask whether the maxim of the action conforms to a universal law. That is, we can ask whether there could be a (set of) universal law(s) which would permit the performance of this action. (This involves the idea of "reasonableness" that we talked about when we discussed Locke.) The basic notion behind the principle of universal law has been called the principle of **universalization**. The idea is that actions that violate this principle are self-contradictory in some way.

An example of such a self-contradiction is a lying promise. A lying promise involves a contradiction between the public statement of one's intention and the private statement of it. What it *means* to make a promise is to commit oneself to do something, but a lying promise is self-contradictory because one is both committing oneself to doing something and denying the commitment at the same time. A second example is stealing. The maxim of one's action when one is going to steal something might be expressed as something like this: when it is to your advantage, you may take the property of another. But what it means to call something the *property* of another is that one may not take it (without permission). Thus, the maxim is self-contradictory: it amounts to saying one may take something and one may not take it.

This kind of argument depends critically upon the way in which the action – or the maxim of the action – is described. Suppose that we said, in the case of stealing, that the maxim was:

when to one's advantage, one may take whatever one wishes to take.

This maxim may not appear to lead to self-contradiction when it is universalized because the object taken is not *described as* "property." The crucial point is that "property" is constituted by certain rules, and so maxims involving stealing contradict those rules. But if we describe what we are doing as "taking what someone *possesses*" rather than "taking someone's *property*," it might be thought, our actions would be consistent with a set of universal laws, in particular, a system of laws that did not establish a right to property.

To make this clear, consider the distinction between two types of rules: constitutive vs. regulative.

constitutive: a set of rules that constitute a certain manner of activity, institution, action. For

example, property, promising, scoring a touchdown – all are things that are constituted by certain rules. Outside of these rules, so to speak, they could not occur.

regulative rules: rules which regulate an already established, on-going set of activities. E.g., rules of proper eating behavior.⁷

Kant's argument works well with regard to maxims that violate constitutive rules, because in these cases the maxim directly violates the rules that constitute the practice in question. This is not insignificant: consider slavery (thought of as a moral institution, that is, one in which slaves are seen to have duties or responsibilities). The slave, then, has a duty to obey his master in whatever action the master prescribes. To be subject to duties, however, is to be a moral agent (we do not think of cats, for example, as having duties). To be a moral agent, though, is to be responsible for one's own acts, to be autonomous. But to be autonomous is not compatible with unquestioning obedience. Thus, slavery is self-contradictory.

Similarly, truthfulness can be shown to be a constitutive norm of language. The universalization of lying would destroy the medium of communication, language, which is necessary to lying.

The maxim, "when to one's advantage, you may take the property of another" employs the concept "property," which is constituted by certain rules which directly contradict the statement of the maxim itself, making the maxim self-contradictory. But even if we substitute a maxim that does not employ such concepts, such as "when to one's advantage, you may take the possessions of another," the maxim is still not universalizable. One could not will that maxim to be a universal law because doing so would defeat the point of the maxim, as there would then be nothing to take. As Hobbes argues, in a world in which there are no rules that provide security to one's person and possessions, people would not be able to produce things of value, in part because they could not ensure that they would be able to enjoy their products, and in part because they would not be able to form the cooperative structures that make it possible for us to produce the goods we desire. When universalized, such maxims are self-defeating because they destroy the very practices whose existence is required if the action in question is to have a point. The most common kind of actions that are ruled out by the test of universalization are those where the agent wishes to make an exception in his or her own case, that is, not to conform to rules which he or she wishes others to obey.

The "formalism" of the Kantian CI:

Many have criticized Kantian morality on the ground that universalization is a purely formal requirement. There may be cases where someone proposes despicable courses of action that don't involve making an exception in one's own case, where the agent fully universalizes the behavior in question. Indeed, in some cases the agent may believe that he or she is acting conscientiously, and is prepared to make significant sacrifices of his or her own interests in order to carry out the proposed maxim. The example that is often used to illustrate this point is the so-called "conscientious Nazi." So long as the agent is prepared to apply the rules to himself or herself (e.g., willing that one be expelled from the country or even destroyed if it turns out that one had non-Aryan ancestors), then the action would seem to fit with the first formulation of the CI.

This is one of the oldest criticisms of Kant's theory – that the categorical imperative is "merely formal" and so permits heinous actions to be performed so long as the individual does not try to make exceptions in his or her own case. This criticism can be countered by appealing to the third formulation of the categorical imperative, the Principle of Personality:

⁷Note that this distinction is not altogether hard and fast. Are rules of proper eating regulative rules of eating, or constitutive rules of dining? Consider the difference between "feeding one's face" and "dining."

So act that you treat humanity in your own person and in the person of everyone else at the same time as an end and never merely as a means.

This notion is not entirely clear, but I think we can get at what it means by considering the difference between a *thing* and a *person*. The essential difference is that a person has (or at least can have) reasons for what he or she does. People are agents whose actions reflect their choices. By contrast, things have no purposes, no value in themselves. They serve merely as the "stuff" onto which we may impose our own purposes. For example, we may transform various materials into a building, or a tool. Thus, to treat someone as a person is to act towards that person on the basis of his or her own choices and actions – not to impose one's own purposes on him or her as one might do with things.

A paradigmatic denial of personhood is the taking of hostages. When people are used as hostages, they are treated purely as things. Our actions towards hostages are not determined by what they do or have done, but by someone else, whose behavior we are trying to influence by threatening to harm the hostages. Hostages are treated simply as objects someone happens to value, not as agents in their own right. (A more exotic example is cannibalism.)

There is a connection between universalization and the principle of personality, in that actions violating the former will involve the exploitation and manipulation of others, which the agent would not be prepared to accept if done to himself or herself. Lying promises are paradigmatic; when I make a lying promise, I induce someone to do something for me that the person would not do if he or she understood my true intentions.

But the principle of personality seems to go beyond mere universalization in seeing persons as **sources of value in their own right**. The principle of personality requires that the dignity of each person be respected. It requires that we respect the freedom of rational beings (including humans who are imperfectly rational), and so makes *rational freedom* a necessary end of moral life. Now in what way can we justify freedom as a necessary end? Why should one respect the freedom of rational beings?

To answer this question we must go back to the distinction between persons and things – to freedom or autonomy as what separates us and distinguishes us from the rest of nature. I see myself as free and value autonomy in myself, for I recognize that I can make choices and cannot experience my own choices as determined. My valuing of my own autonomy is expressed when I make claims against others or when I form my own projects. When I call upon others to treat me in a certain way, to respect my choices, I assert the value of my own freedom. In choosing some project I show myself to be a person who is capable of setting his or her own ends, rather than a thing on which ends may be imposed, and so I at least implicitly affirm the value of my own autonomy.

But in demanding that others respect my choices and in choosing some project, I must also recognize that others are capable of autonomy, and so respect that autonomy in them. Thus, autonomy is a rational end, a necessary value for a rational being.

This idea of autonomy is crucial to Kant's argument, and requires some elaboration. According to Kant, we act autonomously only when we obey the moral law: otherwise, we act heteronomously. Why does Kant say this, and what does it mean? It surely is not obviously true. The answer, I think, is that autonomy is tied up with the idea of reason. It is because we have reason that we can be free: "for freedom (as it first becomes known to us...) is known only as a negative property within us, the property of not being constrained to action by any sensible determining grounds" (Kant, *The Metaphysical Elements of Justice*, p. 27). But how do we come to know that we are free in this sense, that we can overcome desires and other factors that constrain our actions? We know this through knowing the moral law, which we know as a dictate of reason, in this case, of *practical* reason. Recall Kant's example of a person who is able to resist some great temptation only because he knows that if he succumbs, he will immediately afterwards be

killed.⁸ According to Kant, that same person, even under the threat of death, knows that it would be possible for him or her to refuse to do some heinous thing. Because I come to see the power of reason to determine my will in this way, even in the face of overwhelming desire, I know that I am free, that I am not completely determined by my desires and inclinations.

To say that I am free when I act according to reason is not to say that autonomous action is always opposed to desire – that if I do something that I want to do, I am not an autonomous agent, but act heteronomously. I only act heteronomously when I act *against* the requirements of reason, when I pursue the satisfaction of desires without regard for the requirements of reason or morality.

It is because I am a being who is capable of reason that I am distinguished from other animals (let alone plants or rocks). And I act freely (as opposed to being determined by natural forces, socialization, etc.), when I act according to reason, which is say, according to the moral law. In obeying the moral law, I am acting on a principle I accept for myself. I am not, for example, obeying out of fear, or out of hope for reward. Thus, I am free in obeying the moral law, but not when I act heteronomously. My action is not dictated by something external to myself, something merely given or contingent. There is then, a deep connection between reason and freedom. And since reason is universal, when I act according to reason I act both autonomously and in ways that other reasonable beings could accept. This is expressed in the principle of autonomy,

So act that the will through its maxim could at the same time regard itself as legislating universally.

That is, if my actions are governed by reason, then the maxims on which they are based (or which they express) must be acceptable to other rational agents. Thus, I am legislating universally in the sense that I am prescribing and acting on rules that are or at least could be accepted by all. The moral law is actively willed by all rational agents and is regarded by each as a law that he or she should submit to. But if this is the case, then they are laws that would be recognized as just and proper by everyone. Because everyone finds them acceptable, these rules would recognize the autonomy and dignity of each person, and so would be consistent with the principle of personality.

This leads to the fourth formulation of the categorical imperative, The Kingdom of Ends Formula:

Every rational being must so act as if he were through his maxims always a legislating member in the universal kingdom of ends.

This formulation directs us to adopt maxims or principles of conduct that are suitable for harmonizing the ends or purposes of all rational creatures. In our case, as human beings, we must harmonize our ends with those of all other humans.

Kant calls these categorical imperatives the "laws of freedom," and we can see what he means by distinguishing three senses in which they involve freedom:

1. They take freedom as an end to be realized. This is expressed most clearly in the principle of personality.
2. They are expressions of our autonomy as rational beings, our ability to rise above necessity or the determination of our actions by desire, social conditioning, etc.
3. They serve to make a system of freedom possible by constraining each person by the freedom of others.

If you accept this argument, then Kant's position has much more content than merely the requirement of

⁸See the discussion on pp. 25, above.

universalization. It not only rules out the conscientious Nazi, but it leads to an important political ideal – the idea of a society in which every member respects every other member, and in which all laws are those which everyone recognizes to be reasonable. This is a society in which everyone has a right to freedom as a fundamental right. This idea is expressed in the *Universal Principle of Right*:

Every action which by itself or by its maxim enables the freedom of each individual's will to co-exist with the freedom of everyone else in accordance with a universal law is right.

This principle is fundamental to Kant's politics.

Kantian Politics:

The key to Kant's view of politics is the elimination of force in human relationships, substituting justice for force in determining the outcomes of disputes. Unlike most thinkers at and before his time, Kant insists that the elimination of violence is necessary not only domestically, but also internationally (an argument set out in *Perpetual Peace*). Kant's fundamental claim is that law is to be governed by the universal principle of right, which means that people cannot be prohibited from performing actions that are consistent with this principle. Thus, it establishes a fundamental, natural (in the sense of not depending upon positive law, but prior to and governing positive law) right of freedom or liberty. This fundamental right Kant glosses in "Theory and Practice"⁹ as involving three principles on which the lawful state is based:

1. a right of autonomy or the right to be free;
2. the right of equality, that is, equal freedom;
3. the right to be self-dependent, that is, to the autonomous exercise of the will.

Thus, Kant argues that no one may be bound by laws that one has not made (or, at least, participated in making). This idea, which today we see as the heart of the idea of democracy, is central to a tradition of political theorizing known as "republicanism." For most thinkers before the 19th century, "democracy" was a suspect, corrupt type of government. Those who supported the idea of popular government (one in which authority derives from the people and in which those who make the laws are accountable to the people) called themselves republicans, for a republic – as opposed to a monarchy – is a political system in which authority ultimately rests with the people. Kant's republicanism is indebted to Rousseau, though unlike Rousseau he accepts representation. Note that the key to "republican" government according to Kant is the separation of legislative and executive power, and that the legislative be accountable to the people.

Unfortunately, however desirable republican government is, or moral behavior more generally, Kant recognizes that people do not always act in the way they should. They do not always follow moral principles, and political systems are often despotic. We often follow our desires and inclinations, or act out of habit, or conform unthinkingly to the customs of our society or the edicts of our superiors. We are, in short, unenlightened. As human beings acting in the world, we are subject to the laws of science, in which events are explainable in terms of the causal forces that bring them about. As rational agents, however, we are capable of choice, of determining our behavior according to the moral law or reason. Can these two features of our nature be reconciled? How can we be both part of the causal chains of the natural world, and yet free to determine our own actions?

We will not be spending enough time on Kant in this class to provide anything like a full answer to this question, but his basic notion is presented in his "Idea for a Universal History with a Cosmopolitan Purpose." Let us think of nature, Kant seems to suggest, as having a purpose which is realized over time in

⁹Section II, pp. 73ff. See also *Perpetual Peace*, second section, pp. 98ff.

history. Since what is distinctive to humanity is our capacity for reason, we can suppose that the purpose is the realization of this capacity, the creation of conditions within which humans can be rational (and so self-legislating) beings. In human affairs these conditions include a constitutional, republican order which respects human rights, which thus must be the goal of history (see pp. 36ff.). It is important to stress that Kant does not claim that there is someone or some Being called "nature" who has set things up in a certain way so that constitutional republics will eventually be set up everywhere. Rather, we should think of this goal as a kind of hypothesis, which we can use to make sense of the pattern and direction of historical change. We could never prove that the purpose of history is the realization of human freedom, but without this Idea, history would be unintelligible, Kant argues. (An analogy might be helpful. We often explain biological phenomena in teleological terms, as when we say that the function or purpose of the heart is to circulate the blood. If we think of the whole of nature as, in a sense, a great organism, then we could explain specific phenomena in terms of the ways in which they contribute to the whole.)

If the goal of history is the realization of freedom, then we can reconcile the simultaneous participation of humans in natural processes governed by causal laws and in the moral world, governed by reason. But this vision requires that we specify the causal processes through which reason comes to be realized in the world. Human history is marked, Kant argues, by deep and pervasive conflicts, conflicts often driven by selfish interests and leading to actions that, to say the least, are not compatible with the moral law. On the face of it, one might think, this condition offers evidence against Kant's hypothesis. How can we talk about the realization of reason in a world of violence? Kant attempts to turn this apparent anomaly into evidence for his view, arguing that it is our very "unsocial sociability" that drives history forward. In the end, only a cosmopolitan culture and an international order in which war has been abolished will be adequate: our unsocial sociability drives us forward but in the process it is itself overcome. As Kant makes clear in "What is Enlightenment?", he believes that the process of enlightenment was moving forward, but that society had not yet reached its final stage.

One way of seeing what is distinctive to Kantian, or rights-based approaches to morality and politics, particularly compared to utilitarianism is to consider the issue of punishment. This is one of the areas where advocates of rights are most critical of utilitarians, for it is here that the individual is apparently treated as a means, and not as an end in himself or herself. In deterrence, for example, the justification for punishment of a particular type and degree is not its appropriateness to what the criminal did, but its effect in discouraging others from doing the same. This is an idea that Kant completely rejects:

Judicial punishment can never be merely a means of furthering some extraneous good for the criminal himself or for civil society, but must always be imposed on the criminal simply because he has committed a crime. For a human being can never be manipulated just as a means of realizing someone else's intentions, and is not to be confused with the objects of the law of kind [or "things"] (*Sachenrecht*) (pp. 154-5).

This involves several specific points or applications:

1. the commission of a crime makes one deserving of punishment, so that the failure to punish someone is itself a crime. Why? What Kant is saying is that inflicting punishment a duty of the authorities. Why should this be so? To see why, suppose we test the decision not to punish a criminal against the categorical imperative. We would see then that leaving a crime unpunished would be to fail to correct an injustice. Those who had abided by the law and endured sacrifices would be unjustly disadvantaged compared to those who broke the law. They would receive the advantages of a system of law, without enduring its costs. Punishment, by removing this advantage, restores a just distribution of advantages and disadvantages (or, at least, corrects one source of injustice). A maxim permitting criminal acts to go unpunished could not be universalized. Therefore it is a duty for those in authority to inflict punishment (even in cases where no deterrence would result). This means that the criminal can't be forgiven by, for example, volunteering for medical experiments. That would be to treat the criminal as a means to another's

end, and to buy justice for a price.

2. For Kant, the law of retribution determines the kind and amount of punishment an act requires. Criminals should suffer in a way relevant to the norm that is broken. Thus, murderers should die. Thieves should be denied property, and so condemned to involuntary labor. But punishment should be inflicted "without any maltreatment which might make humanity an object of horror in the person of the sufferer" (p. 156) [alternate translation: "would make an abomination of the humanity residing in the person suffering it"]. Nor can the punishment be an act that would be a crime for someone to inflict it – as in the case of rape. (But just why raping a rapist is a crime, while killing a murderer isn't, is not entirely clear. Kant proposes castration for rapists.)

3. Nonetheless, under extreme circumstances failure to apply punishment may be excused.

Assignment: Kant, "Idea for a Universal History with a Cosmopolitan Purpose" (1784); "What is Enlightenment?" (1784); *Perpetual Peace* (1795), "The Right of Punishment," (1797) pp. 154-60, in *Kant's Political Writings*.

Discussion Questions: Note: there will be an in-class quiz this week; no short paper is assigned.

1. Is a republican constitution necessary for justice and to secure international peace?
2. "In light of the events of the 20th century, the enlightenment faith in progress can only appear naive. Today, no one who reflects seriously about these matters can share their hopes. The progress of knowledge can and does go hand in hand with barbarism." Discuss.
3. Critically contrast Bentham's and Kant's accounts of punishment.
4. Why does Kant say, "I can imagine a *moral politician* ... but I cannot imagine a *political moralist* ..." (p. 118)? Do you agree?
5. Why does Kant say, "... the problem of setting up a state can be solved even by a nation of devils (so long as they have understanding)" (p. 112)? Do you agree?

College of Social Studies
Sophomore Colloquium in Social Theory

Fall 2021

Week 7: Wollstonecraft (1759-1797): The Rights of Women

Mary Wollstonecraft is notable as one of a very few women who wrote important works of political theory, among her many other writings, and as one of the first thinkers to set out a powerful case for the equality of women. She also has a compelling personal story, beginning with the fact that the barriers to her amazing accomplishments were exceptionally high not merely due to her being a woman but also because of her personal circumstances. She was born into what we would today call a middle class family, but one in fairly straitened economic circumstances so that she received very little formal education. She was essentially an autodidact in terms of her understanding of philosophy, literature, and history; she also struggled early in her career to master the art of writing. Her father was abusive to his wife, and as Wollstonecraft became a teenager she tried to protect her mother, enduring the father's abuse herself. At the time, it was very difficult for a woman to support herself financially; one of the very few occupations open to middle class women was to be a governess or a companion to an elderly person, and Mary escaped from her family situation by taking a position as a lady's companion. Eventually, with the help of some friends and a publisher, Joseph Johnson, she was able to support herself through her writing, one of the first women who successfully did so. She wrote two major works of political theory, *A Vindication of the Rights of Men* (1790) and *A Vindication of the Rights of Women* (VP) (1792), along with many other works. Her personal life – as you can imagine – was difficult, though perhaps in a way productive, as it may have led her to think about issues such as the relationship between reasons and the emotions in a deeper, more interesting way than many thinkers of her time. In 1797 she married William Godwin, a prominent philosopher at the time and a radical thinker (famous for presenting the first philosophically coherent ideal of an anarchist society). Later that year she died in childbirth at the age of 38, but her daughter, Mary, survived. Mary went on to marry Percy Blythe Shelly, the great romantic poet, and to her own very distinguished career as a writer. Her most famous work is the novel *Frankenstein*, whose iconic importance can hardly be overestimated.

In many ways Wollstonecraft is an exemplar of Enlightenment thinking, and many of her views are similar to those of Kant. She is (rightly) celebrated for the powerful case she made for equal rights for women and men. But it would be a serious mistake to see her as narrowly focused on equality for women. Rather, she rejected any form of ascriptive authority – claims to rights and power based on birth or other inherent attributes. She strongly condemned monarchy and the aristocracy, whose claims to social status were based simply on birth, arguing that if there are to be social distinctions or a social hierarchy then the basis for distinction should be virtue: those who are more virtuous, who are real *aristoi*, the Greek word for those who are the best, may have a claim to higher social status. But the privileged classes in Europe at the time, she insisted, had no legitimate claim to higher status. Their social stratum may be called the “nobility,” but that doesn't mean its members were actual “noble,” any more than the Greek *aristoi* were actually the “best.” As will be obvious when you read VW, she is deeply committed to the idea that all humans should be equal in the sense that all should enjoy equal fundamental rights, and be subject to the same obligations or duties towards one another. Although this commitment to equal rights was widely (though by no means universally) shared at the time, few drew its obvious implications for the relationship between men and women.

Mary Wollstonecraft's argument goes beyond equality of rights to include equality of lifechances, of wealth, income, power, and opportunities. She echoes Locke in her horror of arbitrary power, a paradigm instance of which is the power that men hold over women, husbands over wives and fathers over daughters,

in her time. But her analysis of material inequality owes much more to Rousseau's account in the *Second Discourse*. Highly privileged people come to see themselves as entitled to their privileges, and have little or no motivation to understand let alone identify with those who lack privilege, and whose lives are so different from their own. By virtue of their social positions, they become unable to see the disadvantaged as real people like themselves, with their own needs and aspirations, eroding any sense of mutuality and so of morality. Inequality breeds corruption and undermines moral virtue (see *VW* ch ix).

Like Kant, Wollstonecraft holds a broadly progressive view of history. Although the capacity for reason is natural, and is distinctive to humans, we do not naturally or automatically develop our capacity to reason, let alone our ability to employ reasoning to direct our actions. Rather, the capacity for reason develops slowly over time, leading to the growth of knowledge and to the taming of what Kant calls our "unsocial sociability" or unreasonable self-preference. Like Kant and Rousseau before him, she conceives of this as a social process, in which whatever learning we do comes to be passed on over time so that it becomes cumulative (though not necessarily without set-backs from time to time).

Like Kant, Wollstonecraft sees reason as the key to morality, but her account is different in very important ways from Kant's. In particular, she is attentive to the emotional or passionate side of human life and experience, and does not see reason and emotion as dichotomous. Rather, she puts forward a "unitary conception of the mind" in which reason and emotion work together, with reason guiding and even transforming our emotions, and our emotions motivating us to engage with others and the world around us.¹⁰ Because we are emotional beings needing to act on the world, we come to have experiences on which we can reflect and about which we can employ our reasoning capacity, enabling us to learn how to regulate or control our passions and to adopt goals or life projects wisely, projects that we will find to be genuinely fulfilling. Without a healthy emotional life or, in Wollstonecraft's words, without sensibility – not to be confused with mere sensuality – human life would be cold and calculating. It is through a balance of reason and emotion that we can develop autonomy or, in language closer to Wollstonecraft's sensibility, "independent strength of mind" (Sapiro, 73-4) or the capacity for self-direction (see *VW* 340).

Even though she shares much with the Enlightenment (and with Kant in particular), in her sensitivity to the pathologies of inequality and in her moral psychology Mary Wollstonecraft's thinking aligns more with Rousseau. But she is also sharply critical of Rousseau. Indeed, her *VW* could be seen as an extended refutation of Rousseau on education and above all on issues of gender. I have not asked you to read the sections of *VW* where she engages Rousseau in a sustained way because they focus on texts (notably the *Emile*) which we do not read in this Colloquium. Mary Wollstonecraft was one of the first critics of Rousseau's thinking about gender, offering one of the most original and powerful analyses of his arguments. We can see echoes of many of her arguments in Mill's famous essay, *On the Subjection of Women*, but it does not appear that her work inspired that of Mill (and Harriet Taylor, his wife and lifelong companion, to whom he attributes the arguments he makes in that text). Although she was an important voice in her time, her work was largely neglected in the 19th century. The importance and originality of her work has only come to be appreciated in the last 40 years or so.

Some notes on the text:

The editors have done a very good job in identifying the sources of Mary Wollstonecraft's references and paraphrases (footnoting conventions in the 18th c are very different from today's), but they do not always explain her use of terms whose meanings have changed since her time. There are a few terms or phrases

¹⁰Virginia Sapiro, *A Vindication of Political Virtue* (Chicago: University of Chicago Press, 1992), p. 62.

that Mary Wollstonecraft uses that are key to her analysis or argument, but are easily misunderstood by 21st century readers because of changes in the language. I've noted a few such terms or phrases below: prescription (e.g., p 118: "... proof must be brought, or the strong hold of prescription will never be forced by reason..."); think custom or customary ways of thinking. This is a key term of art for Edmund Burke, who puts forward a classical ideal of conservatism. In his writings "prescription" refers to the authority of tradition and customary ways of thinking and acting.

"sexual character": Mary Wollstonecraft uses this phrase frequently to express the idea that men and women have different natures which govern their behavior. She takes this to be one of the principal buttresses or rationalizations of the gender system of late 18th c. Europe, and England in particular. Much of her *VW* is directed to showing that men and women have the same basic psychology, and that we can explain patterns of behavior that appear to differ by biological sex in terms of the different social conditions that men and women experience. This idea is critical to her argument: the justification for assigning differential rights to men and women in her time (and since!) is that men and women have different natures, and so require different rights and standings to realize their natures.

woers (e.g., p. 249): people (specifically women) who make themselves subservient to others in the hopes of gaining their affection (people who "woo" too much, beyond the bounds of self-respect). Today we might use the term "submissives."

fancy: imagination

want: often used in the sense of lacking or absence, e.g., "for want of a nail, the shoe was lost"

sophisticated: often used in the sense of sophistical, from the Greek sophists who were seen as misusing reason not in the service of truth, but to persuade others to take a position that benefits oneself or one's party.

Assignment: Wollstonecraft, *A Vindication of the Rights of Women*, pp. 99 - 343, skipping chs 3, 5, 11, and ch 6, sections 1 to 5 (324-340).

Essay Questions:

1. "Wollstonecraft is often held up as one of the first voices of feminism, but it's hard to see how she could merit that accolade. Even a cursory reading of her work shows the contempt in which she held the women of her time, depicting them as empty-headed girls seeking only to flirt with and gain the approval of men, and ultimately of their husbands. Such a demeaning view of women is hardly consistent with being a feminist." Critically assess this review of MW's work.
2. An overriding theme of Wollstonecraft's *VW* is that a decent society, one in which fundamental human rights are respected, is only possible by the complete restructuring of the family and the relationships between men and women, particularly the institution of marriage. What is the basis for her claim that the family plays such a central role, and is her argument convincing?
3. Like Bentham and the Philosophical Radicals Wollstonecraft insisted that institutions and social practices be justified at the bar of reason. For Bentham such justification must be based on the principle of utility, and he dismissed natural law and reason as mere "phrases" (*Principles*, ch 2, fn 1 to §14), and in another book

he refers to the idea of “natural and imprescriptible rights” as “rhetorical nonsense – nonsense upon stilts.” Wollstonecraft, however, invokes natural law and reason as the required standard. What grounds does she offer or suggest for resting her case on natural law or reason, and are her arguments adequate?

4. Like Rousseau, Wollstonecraft recognizes the dangers of significant material or economic inequality, but when she formulates proposals for social reform she does not seem to address the causes of such inequality. Indeed, her principal proposal in *VW* is to develop a national curriculum and system of education for both girls and boys. Does this proposal adequately address the problems of society that her critique articulates?

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Week 8: Marx (1818-1883) I: Alienation, Communism and Property

For the purposes of this colloquium, Marx can best be read as sharing many of Rousseau's ideas regarding human nature and society. For Marx, humans are social beings in that their "nature" is socially created, and it changes as their society changes, and society changes at least in part a result of the activities of its members. He rejects any "fixed" conception of human nature; humans are essentially historical and their needs and capacities change in fundamental ways over time. Like Rousseau, Marx places great emphasis on self-consciousness as a distinctive trait of human beings, on human activity as a process of self-creation and on positive freedom. He envisions a society that enables its members to express the capacities and satisfy the needs to which it has given rise.

In addition to these continuities, there are also profound differences between Marx and Rousseau. Unlike Rousseau, Marx thinks that history is progressive; for Marx, human history is a process of social change culminating in a condition of full human freedom. In this process, humans create their own needs and capacities through their own activity. There is nothing outside of us – no God, state, spirit, no higher force that determines what we will be and do. And history is largely a process through which our capacities become enlarged and our understanding and control over nature increase. In many ways, then, Marx shares the Enlightenment views we examined last week.

The critical sphere of activity, the sphere that largely controls historical change, is production. Marx begins with the idea that humans are animals who must reproduce the material and social means of their existence through labor, through working (in cooperation with other humans) on nature. It is through this work that they create themselves, and it is for this reason that the material basis of social life is the primary determinant of other aspects of society, such as its legal, political, and cultural characteristics. We must understand ourselves first of all in terms of the ways in which we produce the material means of our own existence, because they will constrain all other aspects of our social life.

In working on nature and in social interaction people "objectify" themselves: they create a world of objects and institutions which express, and are the result of, their activities, their capacities, their needs. Human nature, the external world, and the social world are not simply *given*; they are (at least in large part) the products of human activities and must be created through conscious, practical work.

This concept of humans as self-creative beings expresses an ideal that is immanent in the historical process, but which has not (yet) been realized. What actually happens is that we do not recognize the world we have created as our own world; rather, we experience it as something that is different, something "just there," something alien. This alienation, however, does not exist only in the mind or "consciousness": it is *not* simply a matter of our failing to *recognize* that the world in which we live is actually our own creation. Nor is it simply a matter of our *feeling* estranged from the world. On the contrary, alienation or estrangement is an objective condition rooted in the real, material conditions of our existence, in actual forms of domination and inequality which prevent us from being self-determining beings. In an alienated world, our activity is often imposed on us, something we perform because we have to, and so it is not expressive of our own purposes and aspirations. In many cases we are not fully conscious of what we do, nor why, nor how it is related to larger social or natural processes. In many ways our lives are frustrating and mysterious to us.

Human estrangement (in capitalist society) is rooted in part in private property, as Marx explains in the *Economic and Philosophical Manuscripts*. Under capitalism, workers can gain access to the means of production only by selling their labor as a commodity to the capitalists who own the means of production. They have to do this because only by gaining access to the means of production can they produce the goods

or earn the wages that are necessary to satisfy their needs. But when one has sold one's laborpower, when one's own life-activity has been alienated to an employer, one's activity in working is no longer one's own, for it is controlled and directed by someone else. And the product of one's activity does not express one's own purposes and plans, but those of one's employer. Thus, workers confront a world they have made, a world that is the objectification of their labor. But they experience that world, and themselves and, indeed, their own activity in production, as alien, as estranged from them. The workers' activity and the objects they produce in capitalist society do not express the workers' purposes; rather, these products come to have an independent existence, over and apart from the workers, and are used to dominate them.

In producing goods for the market using the workers' labor, capitalists are able to realize a profit by paying the workers less than they actually produce with their labor. This profit is then reinvested in the business in the form of capital, thereby augmenting the very power which capitalists used to dominate the workers in the first place. Workers are forced to produce the very means that dominate them.

This condition of alienation or estrangement does not only characterize production; rather, it pervades every aspect of life. In religion and in politics, for example, humans, through their own activity, create objects, such as God or the state, which come to have an independent existence over and apart from us, and which dominate and control us. One of the conditions of this alienation is that we understand ourselves and our situation in a "mystified" or ideological manner, and so fail to understand the reality of our situation and our own role in creating it. In the case of religion, for example, we believe in God as an object or power that exists outside of ourselves. But this belief is an illusion. In reality, it is we who create God by displacing our own human powers of self-creation onto "God" which we conceive as an external, all-powerful being. We are driven to do this in part because we seek consolation for the real loss of these powers in our lives:

Religious suffering is at the same time an expression of real suffering and a protest against real suffering. Religion is the sigh of the oppressed creature, the sentiment of a heartless world, and the soul of soulless conditions. It is the opium of the people (p. 54).

In politics, as Marx explains in "On the Jewish Question," we conceive of ourselves as individuals who are separate, independent atoms of society who form a moral community only in that we are by nature bearers of rights. But by thinking of ourselves in this way we fail to see that we are social beings, whose "rights" are the historical products of a particular form of society. In his "Theses on Feuerbach" Marx argues that "the human essence is no abstraction inherent in each single individual. In its reality it is the ensemble of social relations" (p. 145). If we are to realize ourselves as the social beings we necessarily are, we must no longer see society "as a limitation of man's original independence, as wholly external to the individual" (p. 43). Genuine human emancipation requires that we overcome the split between the individual and society, public and private, and that in our day-to-day lives we live, act, and work as social beings who recognize and organize our own powers as social powers. Thus, we can see that the realization of communism will involve the abolition of such bourgeois notions as "rights," including the differential claims and inequalities to which rights give rise. More generally, the overcoming of alienation in religion, in politics, and in other spheres of society will be possible only through a transformation of the real, material conditions of our lives, through the abolition of capitalism.

Human estrangement can be overcome, and human emancipation achieved, only by abolishing private ownership of the means of production, so that control over the means of production cannot be used by some to dominate others. With the abolition of private property, the workers – and all will then be workers – can collectively organize production in accordance with their own purposes and plans, in accordance with human needs and not for profit. But this will only be possible when the means of production are developed to the point where production is genuinely and fully social; at this point it will not be possible to organize production effectively except through the community as a whole. While capitalism was at one time a revolutionary force that broke the fetters that feudalism placed on the expansion of the

means of production, it will increasingly come to retard their development. This will be manifested in the deep crises of unemployment and inflation that capitalism causes, the increasing concentration of capital in fewer and fewer hands, and in the increasing polarization of society into opposed classes of a small number of capitalists and a vast majority of workers. As these "objective conditions" come to be realized, the workers will come to see their condition as insufferable, and to understand that what must be changed is the capitalist system itself. The writings of Marx and other socialists who correctly understand the dynamics of capitalist society will be instrumental in enabling the workers to come to this realization, which will satisfy the "subjective conditions" necessary for the revolution. At this point it will be possible to bring about the revolution that will establish communism.

Communism, Marx emphasizes, is a condition "in which the free development of each is the condition for the free development of all" (p. 491). Its premise is human emancipation, not the imposition of a dull uniformity and equality on all people through state control of the means of production. This latter image Marx calls "crude communism," and he rejects it unequivocally. Rather, communism makes it possible for people collectively to determine the conditions under which they will live, and to do so in a self-conscious manner. It creates for the first time a form of society in which individuals freely decide on their activities, so that they produce a world of objects that expresses their purposes and needs. It is thus a human world in which they can find themselves and feel at home. And because the conditions of their lives are consciously chosen, rather than being imposed on them, or being the unintended results of their own activities, people will then be fully self-creative beings who make their own history.

The readings for this week include Marx's first formulations of his critique of capitalism. His essay "On the Jewish Question" examines the ways in which the liberal state, based on a commitment to human rights, fails to realize its own ideal of human emancipation because it reproduces the very conditions of alienation and separation that are characteristic of capitalist society. It is a troubling essay in part because Marx employs anti-Semitic language to make his point. The argument could easily be made without using such language; that Marx chose to put it that way, is a testament to the pervasiveness of anti-Semitism in the culture of his time. The second reading, Marx's "Introduction" to a manuscript he prepared but did not publish on Hegel's *Philosophy of Right* offers a powerful, early statement of his account of alienation. The third reading, his "Economic and Philosophical Manuscripts," provides the earliest analysis of alienation in which economic relationships are seen as central. This work was never prepared for publication, and it is heavily laden with abstruse, Hegelian terms. Note that I have not asked you to read the last section, which is exceptionally difficult. Finally, "The Communist Manifesto" provides an early overview of Marx's ideas. You may even wish to read it first, to get a sense of Marx's overall theory. I would also recommend Engels' "Socialism: Utopian and Scientific," which is assigned for next week. It offers a very clear statement of what Engels took to be the core of Marxist theory as it had taken shape late in Marx's life.

Assignment: Marx, "On The Jewish Question," in Tucker, pp. 26-52.

Marx, "Contribution to the Critique of Hegel's *Philosophy of Right*: Introduction," in Tucker, pp. 53-65.

Marx, "The Economic and Philosophic Manuscripts," in Tucker, pp. 66-105.

Marx and Engels, "The Communist Manifesto," in Tucker, pp. 469-500.

Questions for Discussion: Note: there will be an in-class quiz this week; no short paper is assigned.

1. What does Marx mean by "alienation," and in what ways is it central to his concept of the person and society? In thinking about this question you should consider the relationships between alienation and such ideas as objectification, the person as a social being, communism, and private property.
2. Critically assess Marx's views of "human rights".

3. What does Marx mean by "alienation," and in what ways is it central to his concept of the person and society? In thinking about this question you should consider the relationships between alienation and such ideas as objectification, the person as a social being, communism, and private property.
4. Critically assess Marx's views of "human rights".
5. What is "objectification"?
6. Why is labor so important according to Marx?
7. Why does Marx think that human nature is not fixed and given for all places and time?
8. Why does Marx say that political emancipation is not human emancipation?
9. What does Marx mean by saying humans are "species-beings"?
10. What are the four aspects of alienated labor, and how are they related to each other?
11. Are wealthy capitalists alienated?
12. What is crude about "crude communism"?
13. How is money "the alienated power of humanity"?
14. Why is private property a manifestation and cause of alienation?

Recommended Reading:

The readings this week are short, but difficult. There is a vast secondary literature on Marx. The best on this aspect of Marx's thought is Shlomo Avineri's *The Political Thought of Karl Marx*, especially chs. 3 and 4. See also A. Giddens, *Capitalism and Modern Social Theory*, the first chapter on Marx. A very brief, but very good account of Marx is David McLellan, *Karl Marx*; an excellent study of Marx and the intellectual and political movements which formed the context of his writings, and which he may be said to have inspired, is George Lichtheim, *Marxism*. Finally, Leszek Kolakowski, *Main Currents of Marxism*, offers an explication and critique of Marx and virtually all significant thinkers in the Marxist tradition.

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Fall 2021

Week 9: Marx II: Historical Materialism

The focus of this week's readings is Marx's theory of history, which we will refer to as the theory of historical materialism. The basic question which this theory is meant to answer is "how does social change occur?" This is a vital question for Marx because he believes that we are essentially historical creatures, and because he is trying to construct a theory of society that will help to bring about a revolution establishing communist society. There are several key concepts in his theory; as you do the readings for this week you should pay special attention to how these concepts are used. They include forces or mode of production, relations of production, class, ideology, bourgeoisie, proletariat, commodity, and state.

From our discussion and readings it should already be clear why the premise of Marx's theory is that labor – the productive interchange between humans and their environment – is the foundation of human society. The first few pages of the *German Ideology* state this premise quite clearly and provide a good bridge from Marx's earlier "philosophical writings" to his later writings in social theory. Marx argues that through labor humans create, satisfy and recreate their needs, and develop their capacities. This is why Marx concentrates on the "economic" aspects of social life in his account of historical change.

Marx also insists on the *social* character of human laboring. Every kind of productive activity requires a definite set of social relations without which it could not occur. Like Rousseau and Adam Smith (and as we will see next week, Emile Durkheim), Marx sees the division of labor to be crucial, for it is with the development of the division of labor that people come to be differentiated into separate groups based upon their different roles in production. When the division of labor was very limited, people lived a fully communal existence in which there was little differentiation within society, and what division of labor existed was largely contained within a patriarchal family structure. Property was communal because private property in the means of production was practically nonexistent. With the growth of specialization came the development of new forms of property, and people came to be differentiated into distinct classes reflecting their relationships to the means of production. Because classes are the social forms through which production takes place, and because production is the crux of human society, Marx analyzes history in terms of the succession of "social formations" that are distinguished by their particular class structures and associated modes of production. In his most general formulation of this view (in the "Preface" to his *Contribution to the Critique of Political Economy*) he distinguishes four stages of development: the Asiatic, ancient, feudal, and modern bourgeois.

All of these social formations are forms of class society, where one class dominates another because it "owns" the means of production – although what it means to "own" something varies from society to society. Class society is always based upon a conflict of interest between dominant and subordinate classes; class society embodies an "antagonistic form of the social process of production" (p. 5). This antagonism does not mean that particular individuals from different classes cannot have friendly or warm relations with each other; rather, it arises "from the social conditions of life of the individuals." People in different classes find themselves in situations where their interests and aspirations are in deep conflict because of the very structure of the situation, irrespective of the goodwill they may feel towards members of other classes. Moreover, the dynamics of class conflict have a powerful impact on the overall pattern of development of a society. As Marx puts it in the *Communist Manifesto*, "The history of all hitherto existing society is the history of class struggles" (p. 473).

In Marx's general theory, the fundamental contradiction in social formations may be said (though somewhat imprecisely) to develop between the forces of production and the relations of production. At the

inception of a form of society the dominant relations of production complement and foster the development of the forces of production, but later on new forces of production, employed by new social groups or classes, may come into existence. The further development of these new forces, and the advancement of the interests of the new classes, will become inimical to the existing relations of production, and to the interests of the dominant class in the old structure. The prevailing relations of production increasingly become "fetters" on the forces of production, and conflict between the dominant class of the old society and the newly emerging class will intensify. As this contradiction becomes more severe, the society experiences a crisis. Eventually, the point is reached where the new class that has emerged in the interstices of the old society overthrows the existing political and legal institutions, establishes a new set of productive relations, and restores another (temporary) equilibrium.

Marx uses this model to explain the development of feudal society and how it gives way to capitalism. Feudal society was based on a mode of production in which the division of labor was very restricted, and where virtually all production was directed towards supplying the needs of particular individuals, who were generally members of the same community as the producer. As trade over long distances developed and new techniques of production were discovered, new social groups came into being – particularly the bourgeoisie who lived in towns and made their living as merchants and later as manufacturers. As the new mode of production developed and the bourgeoisie expanded its activities and power, feudal institutions and practices became greater and greater obstacles in the path of the bourgeoisie. Eventually, a revolutionary struggle ensued, and the bourgeoisie triumphed, at least in northern and western Europe. In *Capital* Marx applies this theory to the development and functioning of capitalist society.

One of the main purposes of Marx's theory is to answer such questions as what determines the way in which these struggles develop, and how does one kind of class structure evolve or change into another? Marx is often interpreted as having given a particularly rigid, mechanistic answer to these questions. According to this view, the mode of production, understood as the techniques of production (which involves the technical division of labor in productive activity), requires certain "relations of production." These relations involve certain forms of property and a particular class structure; the relations of production together with the mode of production are called the "economic base" of society. The economic base, according to the mechanistic interpretation of Marx, determines the "superstructure" of society, the political and legal structures, and the forms of consciousness (its art, philosophy, religion and other forms of culture). Thus, as the mode of production changes, the relations of production change, and these changes together cause the other aspects of the society to change in determinate ways. According to this view, history consists of a series of predetermined stages through which society passes on the road to communism. The texts most often used to support this interpretation include the *German Ideology* and the "Preface" to his *Contribution to the Critique of Political Economy*, but there are passages in the *Communist Manifesto* and in other writings that support it as well. Engels' essay for this week offers a relatively "mechanistic" reading of historical materialism. You should be able to state this mechanistic model of historical materialism after having read this week's readings.

Other thinkers, however, argue that Marx's theory is not mechanistic and deterministic in this way. According to them, Marx does not claim that the forces of production mechanically determine the rest of social life (including both what people do and what they believe and value). Rather, they interpret Marx as seeing economic factors (and the model of society set out above) as the primary, but not the sole, causal elements in social life. Some would go so far as to argue that the forces of production can be affected by changes in the political or ideological sphere, so that the direction of causation is not simply one way. As you read you should ask yourself whether there is any evidence that Marx held this "dialectical" view of social change.

A great deal hinges on whether the "mechanistic" or "dialectical" version of the model is correct, because revolutionary strategy will be quite different depending on which version one accepts. If the

mechanistic view is accepted, one would be likely to disregard the ideas people hold, concentrating instead on the economic arrangements of society. This could give rise to a fatalistic attitude, according to which there is little to be done until the necessary "objective conditions" for a revolution (i.e., the required changes in the economic base) have been realized. On the other hand, it may support a radical kind of activism, leading revolutionaries to try to seize power and impose socialism on the society once they have seen that the necessary "objective conditions" have developed. In either case, the crucial leadership role would fall to the (small) elite who had come to understand the laws of history and who therefore were uniquely qualified to decide what should be done. One might call this the instrumentalist or elitist view of social revolution, perhaps best represented in the writings and political activity of Lenin and Leninist parties.

A more dialectical account might support revolutionary strategies which place great stress on educating people to the possibilities of social change in a humanizing or communist direction. In this model, the objective would be to enable the people themselves to alter their own organizations and activities in such a way as to bring about a communist revolution. This might be called the "educative" view of social revolution, a view often associated with the work of Rosa Luxemburg.

Marx was most interested in understanding the stage of human history which he thought was reaching its apogee as he was writing, the capitalist or bourgeois epoch. In the *Communist Manifesto* and in the selections from the *Grundrisse*, Marx details what he takes to be distinctive about capitalism. You should note the many laudatory things Marx has to say about capitalism; contrary to popular belief, Marx's view of capitalism was not purely negative, for the very good reason that he believed it to be necessary in order to create the basis for a communist society. Marx saw his work, including his theory of history and his life-long study of the dynamics of capitalist society, as a contribution to the revolutionary struggle to build a new, socialist society upon the achievements of capitalism.

Assignment: "Preface" to *A Contribution to the Critique of Political Economy*, in Tucker, pp. 3 - 6.

"Theses on Feuerbach," in Tucker, pp. 143-5.

The German Ideology, Part I, in Tucker, pp. 146-200.

Grundrisse, sections E and F, in Tucker, pp. 261-78.

Socialism: Utopian and Scientific, in Tucker, pp. 683-717.

Essay Questions:

1. What does Marx mean when he says that "Life is not determined by consciousness, but consciousness by life"?
2. What is distinctive about capitalist society? Why does Marx think that a traditional economy, where there is a division of labor, where people exchange labor and products using money, and where artisans and landowners may hire workers to perform economic tasks, is not a capitalist economy?
3. What distinguishes a communist revolution from all past revolutions? Why does Marx expect a communist revolution to be distinctive?

For a contemporary statement, written from a Marxist perspective, of the difficulties of reconciling Marx's commitment to "materialism" and the primacy of the economic base in explaining social change, and the apparent role of ideational, cultural, and political factors in this process, see E. Laclau and C. Mouffe, *Hegemony and Socialist Strategy*.

College of Social Studies
Sophomore Colloquium in Social Theory

Fall 2021

Week 10 Durkheim (1858-1917): The Forms of Social Solidarity and the Causes of Anomie

During the first few weeks of this term we studied the political and social theories of Hobbes, Bentham, James Mill, and Locke. These theories provide a philosophical and normative basis for modern society, particularly capitalism and liberal, representative democracy. From a Marxist point of view, we could say that they formulated the ideas of the new class that was coming into power at the time. And as it became the ruling class, its ideas became the ruling ideas – or illusions – of the epoch.

Marx's theory was intended to replace these ideas by providing a more adequate account of capitalism, an account that would reveal the ways in which these conceptions of politics and society were ideological distortions of the social reality of capitalist society. According to Liberal theory (i.e., the theories of people such as Bentham and Locke), market relationships are based on the exchange of equivalents among free persons in which each party gives up an object he or she owns in return for a commodity owned by another. Marx did not argue that this account is false in any straightforward way, but rather that it is one-sided, for it conceals the exploitation of labor that is intrinsic to capitalism. As we have seen, this is because labor-power has the property that it can produce more value than is required to produce it. When workers sell their labor-power, the capitalists to whom they sell it are able to realize surplus value from this transaction. Thus, what appears as an exchange of equivalents – workers selling their labor-power for what it costs to produce it – turns out to be a relationship of exploitation.

One of the crucial ideas of the individualist theory of society that Marx attacked, an idea that is central to the thinking of Hobbes and Bentham, is that social order is based upon and must be explained in terms of individuals acting rationally to advance their interests. This can be seen most clearly in Hobbes, who argued that social order is possible only if there is a state that coerces individuals to obey the rules that are required for peaceful social relations to exist. What the state does by enforcing the law is to change the situation one faces so that it comes to be in one's own interests to do what the law requires; to do otherwise would be to incur a punishment (or at least the risk of punishment) which would cancel the gains from breaking the law. Moreover, the existence of the state itself must be explained in terms of similar calculations. The state exists because individuals find it in their interests to have an institution that, by forcing people to act in a manner consistent with the requirements of social order, enables them to escape the state of war in which they are unable to realize their most basic interest, self-preservation. And while he differed fundamentally from Hobbes on many issues, Locke too had an essentially individualist theory of social order. He claimed that people must leave the state of nature because in it they cannot find the orderly and regular life they desire: certain "degenerates" regularly fail to respect individual rights, and even basically reasonable and decent people find it difficult to settle their disputes fairly. Thus Locke also explained the existence of stable, ongoing social life as a result of the choices of individuals who are thought of as having certain capacities and desires that are "prior" to their membership in political society.

Rousseau subjected this conception of society and this approach to social explanation to a scathing critique. He argued that we cannot explain social phenomena by showing how they arise from the rational pursuit of self-interest by isolated, atomistic individuals because the interests that people have are themselves deeply shaped by society. We can hardly explain the structure of society in terms of individual interests, and then turn around and explain these interests in terms of the structure of the society! This was one of the main lines of argument that Rousseau advanced in the *Second Discourse* and it led him to propose a different way of thinking about society and social explanation. In particular, we can see from Rousseau's argument that social explanation is necessarily historical, and that the nature of society and the

"nature" of the individuals who make it up will vary with the history and social conditions of that society.

This idea led Rousseau to re-examine another of the principal doctrines of the individualist thinkers, that social relations are inevitably marked by conflict. Hobbes began with the assumption that human interests will necessarily conflict because people are motivated to gratify their wants in a world in which resources are scarce. Even if external resources weren't scarce, Hobbes thought that conflict would arise because a person's "Joy consisteth in comparing himselfe with other men, [and so] can relish nothing but what is eminent" (*Leviathan*, ch. 17). Thus, the satisfaction of one person's interests will necessarily require that another's be sacrificed. While Locke thought of humans as "reasonable" and not driven by vanity in this way, he thought that some people were incapable of living by reason, and that all of us were liable to have our own interests cloud our judgment, so that conflicts would inevitably arise once resources became scarce due to the growth of population the introduction of money. Individualist thinkers typically hold that serious conflict is a necessary part of any society.¹¹

Because Rousseau thought of people as social and historical creatures, whose desires and needs were not given by "nature," he denied that human relationships were necessarily characterized by the degree of conflict that Locke and especially Hobbes posited. Since people develop certain desires and needs by living in a particular kind of society, we can imagine a form of social order in which the needs people come to have are mainly those that can be satisfied without frustrating the needs of others. In such a society individuals would be able to live with others and to realize their aspirations without coming into conflict with their fellow citizens. This kind of society would be one in which conformity to its laws and customs would not be experienced as a restriction but as an enhancement of the freedom of the individual. Rousseau believed that a society organized in accordance with the "general will" of its citizens would realize this ideal. Laws that express the general will respect the needs of everyone, and citizens will want to act in accordance with these laws because they will see them as their own, in part because they have participated in making them. Of course, such a society will be possible only if people do not have fundamental needs, needs that are basic to their conceptions of themselves, that are inherently incompatible, such as needs based upon vanity. And this requires that inequality be limited: "no citizen should be sufficiently opulent to be able to purchase another, and none so poor as to be forced to sell himself" (*Social Contract*, II, ch. 11).

Rousseau thought that his ideal of a free society could be realized only under very special circumstances. It would have to be a small, rather simple society with a limited division of labor, enjoying a fairly high degree of distributive equality (everyone having some property, no one having too much), and having had the good fortune of the appearance of a great law-giver at a propitious moment in its history. Rousseau was writing at the dawn of the industrial age when the vast majority of people lived in small communities, having rather little contact with other communities, and where the state appeared to do little more than extract taxes and engage in occasional depredations during times of war. Under these circumstances, Rousseau's ideas were not altogether implausible, at least outside of the major countries of Europe that had already undergone an extensive process of urbanization and commercial development. But once the industrial revolution had occurred, Rousseau's small-scale state came to seem anachronistic. This was not only because the changes wrought by industrialization were irreversible, but also because of the

¹¹I might add that this assumption is not *necessary*, because there are individualist social thinkers who do not believe it. Such thinkers reject the necessity of the state to maintain social order and advance a doctrine that is called "individualist anarchism." This is a largely American tradition, represented by thinkers such as Lysander Spooner and Benjamin Tucker, though its most famous representative is probably an Englishman, William Godwin (the husband of Mary Wollstonecraft and father of Mary Shelley, the author of *Frankenstein*, and the father-in-law of Percy Bysshe Shelly – a talented family). The anarchist tradition on the continent is dominated by the collectivist anarchists such as Kropotkin, whose philosophical roots are in the communitarian and socialist traditions stemming from Rousseau.

enormous possibilities for human well-being that industrialization promised. Although the early phases of the industrial revolution produced enormous dislocation and suffering (and continue to do so even now in countries where industrialization is just beginning), it also produced enormous wealth. To many it held out the hope that a level of material production might be achieved that could liberate humanity from much of the toil and suffering that had always seemed to be an essential feature of the human condition.

If Rousseau's vision of a pre-industrial, small-scale community seems anachronistic, his moral vision of a society in which individuals would be free and self-determining, and in which the opposition of individual and society would be largely¹² overcome, had (and continues to have) great appeal. Certainly it appealed to Marx, whose vision of communism as a state of human emancipation and self-determination, as a state in which "the free development of each is the condition for the free development of all," bears an obvious resemblance to Rousseau's (though Marx does not appear to recognize this resemblance). But where Rousseau thought that such a society could only be created by an act of political will, and under pre-industrial conditions of production, Marx held that it could only be achieved on the basis of the full development of the productive forces of society. Where Rousseau thought that a society that had become capitalist had virtually no chance of returning to the kind of simplicity and equality that would characterize the state based on the general will, Marx held that a communist society could be constructed only on the basis of the achievements of capitalism. Marx's argument, as we have seen, is based on a general theory of historical and social change, and on an elaborate account of the structure and dynamics of capitalist society. According to Marx's theory, capitalism prepares the material basis for a communist society in which men and women will be able consciously to determine the conditions of their own lives, creating a social world that does not impose constraints and suffering upon them.

Like Marx, Durkheim developed theories to enable us to understand the enormous changes that have occurred in society as a result of industrialization and commercialization. Durkheim was a descendant of Rousseau in his claim that society cannot be understood in terms of the self-interested actions of individuals because he believed that one's interests are themselves determined by the society in which one lives. And he was deeply affected – and attracted – by the moral ideal of Rousseau and Marx: the image of society as a moral community whose order is based upon shared values and a willing obedience to rules, and whose life is not marked by conflict so deep and systemic as to require force to insure co-existence. However, Durkheim *rejected* the claim that such an ideal requires a high level of citizen participation in legislation and a high degree of equality, and he did so because he thought that Rousseau and Marx made important mistakes in their theories of social order and in their accounts of modern society. Durkheim thought that the ideal societies of Marx and Rousseau were not only utopian but dangerous, and he thought that their accounts of modern life failed to appreciate what was significant in industrial societies. Thus, although Durkheim rejected the "individualism" and "atomism" of earlier theorists, he provides a basis for many of the values and practices, including representative democracy and market society, which were important to those theorists.

The central question that concerned Durkheim was, "How can a multiplicity of individuals comprise an on-going social group?" Even more pointedly, he wanted to know how such an order is possible when the individuals involved in it are very different from one another, when the population is very large, and when people are deeply concerned to satisfy their own interests and aspirations. In other words, Durkheim's basic concern was to understand the nature of social solidarity in modern societies, societies that are marked by an elaborate division of labor and a commitment to the value of individualism or individuality.

One can best appreciate Durkheim's answer to this question by viewing it in light of Rousseau. Like

¹²Though not entirely, for a government would still be necessary to enforce the laws against individuals who might, on occasion, be tempted to break them.

Rousseau, Durkheim rejected the answer Hobbes provided to these questions, and a significant part of the book we will be reading is devoted to a critique of the theories of the English sociologist, Herbert Spencer, whose basic conception of the person and society is very much in the tradition of Hobbes. Following Rousseau, Durkheim conceived of people as essentially social beings whose character, values, and very "nature" are dependent upon the kind of society in which they live. Moreover, for Durkheim social order is possible only because human beings internalize a set of norms and values that they accept as rational and just, and on the basis of which they act. Social order must be construed as a consensual order of willingly accepted rules, and not as a system of rules that are operative only because they are backed up by force. In particular, Durkheim insisted that altruism is not only possible for humans, but absolutely necessary:

. . . altruism is not destined to become, as Spencer would wish, a sort of pleasant ornament of our social life, but one that will always be its fundamental basis. How indeed could we ever do without it? Men cannot live together without agreeing, and, consequently, making mutual sacrifices, joining themselves to one another in a strong and enduring fashion. *Every society is a moral society.* (173, emphasis supplied)

Rousseau, as we saw earlier, agreed that (a legitimate or good) society must be based on a consensus on values among its members: "the strongest is never strong enough to be always the master unless he transforms strength into right and obedience into duty." But Rousseau thought that such a consensus on values could occur only in the kind of society he sketched in the *Social Contract*, only in a society based on the general will. If Rousseau is right, it would seem that modern society would have to be inherently unstable. The complex, individualistic, mobile, cosmopolitan world in which we live precludes the kind of participation Rousseau envisioned, and it provides numerous opportunities for the development of vanity. Rousseau paints a grim picture of modern society at the end of the *Second Discourse*. It is a society characterized by tyranny and continual revolution, in which social order is impossible because the society is held together only by force and the calculation of individual interest.

Although Durkheim shared Rousseau's basic conceptions of the individual and society, he took issue with Rousseau's general account of the conditions that are necessary for a genuine consensus on values to emerge. Broadly speaking, Durkheim argued that Rousseau had too narrow an understanding of what is required for a people to have shared norms, and therefore he had too narrow a conception of the conditions necessary for social solidarity. Durkheim argued that there are different sorts of social solidarity, and that with an advanced division of labor a new sort of "organic" solidarity is possible. He contrasts this type of solidarity with the earlier "mechanical" type which is found in undifferentiated, "primitive" forms of social life.

In sorting out the differences between these two forms (or, better, bases) of solidarity, you should note that any actual society at least in modern times includes both forms, so even societies with highly developed divisions of labor depend at least in part on shared beliefs. But the content of the collective consciousness changes drastically as a result of the division of labor. The important point about this change is that it opens the way for us to understand modern, complex societies not as inherently conflictual and unstable, but rather as rooted in a genuine consensus on the value of individuality and thus at least as potentially viable and healthy.

One way of characterizing the difference between Rousseau and Durkheim regarding social solidarity in a society with an elaborate division of labor is to distinguish between egoism and individuality. Rousseau believed that the division of labor would lead to systematic and permanent inequalities, and that these inequalities would in turn lead to egoism. As egoism becomes more pervasive, compassion or pity vanishes and a moral way of life becomes impossible.

Unlike Rousseau, Durkheim did not believe that the division of labor would necessarily lead to a breakdown of the moral basis of political and social order. For him, the development of the division of labor can lead to individuality rather than egoism, and individuality can itself provide the basis for the "mutual

sacrifice" and the "strong, durable bonds" that both he and Rousseau thought were necessary for social cohesion. Durkheim argued that even though people come to value their individual distinctiveness and aspire to live their lives in accordance with their own choices, they can recognize the deep ties they have to others and to society as a whole:

Because no individual is sufficient unto himself, it is from society that he receives all that is needful, just as it is for society that he labours. Thus there is formed a very strong feeling of the state of dependence in which he finds himself: he grows accustomed to valuing himself at his true worth, viz., to look upon himself only as part of a whole, the organ of an organism. Such sentiments are of a kind not only to inspire those daily sacrifices that ensure the regular development of everyday social life but even on occasion acts of utter renunciation and unbounded abnegation. (173)

Durkheim thought that the "cult of the individual" was the great, positive achievement of the modern age, an achievement that makes contemporary society an improvement over earlier forms of social life. Durkheim celebrated the individuation that is possible only in modern society, the rich development of capacities and talents, the autonomy that comes with being "one's own person," the originality that this makes possible, and the diversity and range of experience open to us. Moreover, Durkheim thought that this went hand in hand with a kind of tolerance of others not found in less differentiated societies. He thought that only these qualities could produce a truly universal kind of solidarity in which people come to show respect to each other simply because they are persons. He believed that the modern age extracts a price in the form of a decline of human happiness, but he thought the achievements of individuality made that price worth paying.

In thinking about Durkheim's argument, you may be struck by the way in which he puts forward his own evaluations as "objective," even scientific judgments. How can he do that? How can he suppose that moral questions can be answered by social scientific investigation?

After developing an account of the moral basis of modern society, Durkheim goes on to explain why the division of labor develops at all. He argues that it is a result in part of increasing "moral density" of society and an increase in the "volume" or population of a society.) Durkheim insists that the division of labor cannot be understood on purely economic grounds, explicable in terms of the size of markets and the requirements of efficient production. He argues instead that it must be explained in terms of changes in the nature of social relations and social structure. Note that it is a mistake to interpret "moral density" (as many commentators on Durkheim do) as an essentially biological concept referring to an increase in population density.

While Durkheim argued that the proper growth of the division of labor would provide a moral basis for social and political life, he also recognized that the division of labor could assume "abnormal forms," which would not produce the required social solidarity. These abnormal forms can result from a number of factors: people may not understand the values or rules which form the basis of their collective life; these rules may not be sufficient to keep conflict among individuals at a minimum; the rules may be unilaterally imposed by one group on another, and thus experienced as a form of domination. Under these conditions, individuals will experience what Durkheim called "anomie," or normlessness, a condition in which people do not feel themselves to be participants in an ongoing social order in which they willingly believe, and so they lack a sense of direction and purpose in their lives. Anomie, therefore, places great strains upon society; it is, according to Durkheim, the central problem of life in advanced societies.

A good way to see if you have a grip on the notion of anomie is to contrast it with Marx's notion of alienation. Can you see how they are deeply opposed diagnoses of what is wrong in modern life? More important, can you explain how these diagnoses derive from conceptions of the person and society that are in important respects incompatible with each other? It is also important to see that they are not entirely incompatible; both Durkheim and Marx, for example, share a belief in what we might call "the priority of

the social," the view that social phenomena must be explained in terms of social facts, and that they cannot be reduced to, or explained simply in terms of, individual judgments and behaviors.

It is important for a full understanding of Durkheim that you appreciate his political recommendations in order to deal with the problem of anomie. Basically, he makes two proposals: first, he calls for a revitalization of occupational or what your translation calls "professional" groups in general; he believes that the different branches of industry should be organized in a "corporatist" manner, as he argues in the "Preface to the Second Edition." Second, Durkheim argues that the social order of modern society must be "just"; it must conform to the fundamental values of individuality on which modern society is based. This means that there must be greater equality of life chances, and particularly equality of opportunity, than prevailed in Western countries at the time. In many ways, then, we can see Durkheim as developing a political theory of the welfare state; many of the ideas he presents will have a bearing on topics you will study in the Government tutorial. A good way to see if you understand his theory of anomie is to see if you can explain how these two proposals can provide solutions to anomie in modern society. In doing so, you may also gain an appreciation of how a follower of Durkheim might outline the chief political problems of our day, and what is required to solve them.

Assignment: I am sorry to say that, in spite of my best efforts to trim it, the reading for this week is quite long – about 275 pages. A good bit of this consists of examples Durkheim offers to illustrate his points, and it should be possible to skim parts of it. But there is a good deal of reading, and I urge you to get started on it early.

Durkheim, *The Division of Labor*, Book I, chs 1, 2, 3, 5.1-5.3, 5.5, 6.1, 6.2, 6.4, 7.1, 7.4; Book II, chs 1, 2.1, 2.3, 2.4, 3 and 5.3; Book III, chs. 1, 2; Conclusion; Preface to the Second Edition. (N.B. The "Preface to the Second Edition" will be most intelligible if you read it last.)

Durkheim, *Suicide*, pp. 246-57. This reading will be made available on Moodle on in some other way.

Questions for Discussion: Note: there will be an in-class quiz this week; no short paper is assigned.

1. Compare Bentham's and Durkheim's accounts of the function(s) of punishment.
2. One of Durkheim's objectives is to be explain the development and significance of individualism. Consider, for example, two of his statements: First, he writes "... if in lower societies so little place is allowed for the individual personality, it is not that it has been constricted or suppressed artificially, it is quite simply because at that moment in history *it did not exist*" (p. 142). He also says that, with the coming of organic solidarity, "the individual becomes the object of a sort of religion" (p. 122). Critically analyze these claims. What do they mean? Are they true?
3. What does Durkheim mean by anomie, and how does it compare with Marx's account of alienation?
4. Why does Durkheim believe that "a nation cannot be maintained unless, between the state and individuals, a whole range of secondary groups are interposed" (p. liv)? Is this position plausible?
5. "The task of the most advanced societies may therefore said to be a mission for justice" (321). Why? Is this claim correct?
6. Why does Durkheim argue that value judgments can be objective?

Much of modern thought is characterized by what we might call a "denaturalization" of ethical and political life, a divorce of ethical and political practices and understandings from what is taken to be natural, or given. The first theorists we studied, Hobbes, Bentham, and Locke, sought to develop a set of moral and political principles based on accounts of human nature, but even in their cases there were hints of a different foundation. The metaphor of the social contract, for example, suggests that agreement or consent is the critical basis for political order. And this suggestion was taken up by Rousseau, who, as we saw, began to shift the basis for political theory from nature to history, a shift that culminates in Marx, particularly in his account of historical materialism and in the critique of "utopian socialism." Common to all of these theories is a central concern with human emancipation, with the creation of a society that is based on norms that all people accept under conditions of freedom and equality.

This emancipatory project is based in part upon a conception of the self as a subject. The self is seen in terms of its capacity to direct activities on the basis of reflection, and to control its behavior in accordance with universal moral rules that apply to all, and that guarantee human freedom and equality. This vision is accepted by both Liberals and Marxists, although they disagree about the possibility of realizing it in a capitalist system.

Nietzsche offers a radical critique of this ideal, going so far as to call this morality a form of nihilism. Perhaps the most striking point at which Nietzsche parts company with the other thinkers we have studied is in his metaphor of the lamb and the great birds of prey (p. 44). Part of the point of this metaphor is that there is no way that the birds of prey can justify themselves to the lambs, nor that the lambs could accept any account the birds would offer. Nietzsche contends that the demand for such justification is misplaced. It is not only misplaced, it is a manifestation of *ressentiment* — of the resentment on the part of the weak of the superiority of the nobles, and of one's own weakness.

Ressentiment is at the root of what Nietzsche calls slave morality, by contrast with the morality of the masters. The former is based on the opposition of good and evil, while the latter is based on the opposition of good and bad. The masters begin with a sense of their own value, affirming the self, their will to power, their instinct for freedom; their morality is a morality of self-assertion. For them, the "bad" is what fails to measure up to what one is, and thus what one has contempt for — plebeians, lower classes, women, etc.

Good and evil, by contrast, begin with resentment of one's domination by others. Evil is what they do to you, and so good is what you are. But your goodness is derivative, merely a negation of what is taken as evil. This "need to direct one's view outward instead of back to oneself is the essence of *ressentiment*" (36-7). It is fundamentally reactive, a response to the actions of others. Needless to say, what is deemed "good" in noble morality (especially strength, mastery, and self-assertion) is "evil" in slave morality.

At this point in his argument Nietzsche insists that we necessarily express our natures in our action. The strong person acts and expresses his strength by dominating others, acting to realize his own purposes. The weak person, motivated by *ressentiment*, imagines himself as freely choosing his own actions, and so as responsible for them. But this is an error for we cannot separate our activities from our character. Those who hold a slave morality see the strong man (in using the term "man" I follow Nietzsche's usage) as free to be weak, and so they wish to hold him accountable for what he does. Similarly, the weak go on to distinguish themselves from the strong, and hold up their opposite traits as goods or virtues, as if they were freely chosen. Thus, belief in the "neutral, independent subject" makes possible the "self-deception that

interprets weakness as freedom, and their being thus as a merit" (46). In this way Nietzsche deconstructs the concept of the person as a "subject" or agent, which is central to all forms of modern morality, including especially Kantianism. (Nietzsche also heaps scorn on utilitarianism.)

Nietzsche's account of the origins of what he calls "slave morality" is rich and suggestive, though obviously controversial. But even if we suppose that it is true, what relevance does it have for how we should view these moral beliefs today? Even if they originally resulted from or were motivated by resentment, might we not affirm them now on other grounds? Isn't Nietzsche's critique an example of the genetic fallacy?

This question leads to a second important aspect of Nietzsche's argument, his idea of "genealogy." He insists that the meaning of a social practice changes over time as different individuals and groups bend it to their wills. It is an error, he argues, to assume a constant function over time for some superficially similar practice, such as that of punishment. Thus, the fact that morality developed under certain conditions, and emerged first as the morality of a particular group, doesn't mean that it has the same meaning today. Nonetheless, its genealogy is essential to an understanding of its current significance.

What is critical about modern western morality (which derives from Judeo-Christian morality) is that it is essentially reactive, based on a resentment of superior men, and it demands conformity with its precepts. But this does not mean that Nietzsche would have us return to the morality of the nobles – a return that would in any event be impossible because of the ways in which society has changed since that time. And even if it were possible, it would be undesirable. For the noble, as Nietzsche points out, when not bound by specific ties, tends to go back to the innocent conscience of the beast of prey. What Nietzsche calls the "taming of man" is the task of slave morality, under which we come to have a "soul" and a rich inner world. This is, ironically, because slave morality gives us guilt and bad conscience. Although Nietzsche begins by denying that humans by nature are "agents" (or as he says, subjects) who can deliberately control their actions, he argues that we have become subjects and sketches the cultural and historical changes that brought that about.

Basic to all life is the will to power, or freedom: the affirmation of the self through the realization of its projects, its will, the bending of the world to its ends. Under certain conditions, and for certain groups, this will to power becomes "introjected," turned inward, against the self. Instead of striving to turn the world to one's purposes, one seeks to impose an order on one's own, animal nature. This is the key to bad conscience and to guilt – the turning against the self of the will to power, so that it takes the form of a will to impose order not on the world but on the self. It is a kind of self-imposed cruelty, which, like all forms of cruelty, brings a certain delight to the person who performs it on himself.

Guilt and bad conscience also underlie the ascetic ideal, which is the renunciation of desire, of sexuality and the will to power itself, that is, of life. Its highest form is the development of the idea of sin, in which one's suffering comes to be seen as a punishment for one's having sinned, so that the "invalid is turned into the sinner." The ascetic ideal provides answers to the question of the meaning of suffering, but in this answer is a hatred of all things human, of life, a will to nothingness.

This complex of bad conscience, guilt, and morality – the ascetic ideal – is a kind of sickness that Nietzsche believes to be pervasive in the culture of his time. Even science, which is often seen as opposed to religion, manifests it, because science is premised upon a commitment to truth. But, Nietzsche insists, we must push further and ask what is the value of truth, for we must criticize even that commitment. In rejecting the claims of truth and morality, we may free ourselves so that we can affirm our life and our world.

Assignment: Friedrich Nietzsche, *On The Genealogy of Morals*.

Essay questions:

1. Write an essay responding to Nietzsche's parable of the lambs and the birds of prey.
2. Why does Nietzsche reject the idea of universal justice? Is his argument plausible?
3. Is contemporary morality nihilistic?
4. Critically evaluate Nietzsche's critique of "truth."

College of Social Studies
Sophomore Colloquium in Social Theory

Fall 2021

Week 12: J.S. Mill (1806-1873) and Liberalism

During week three on Locke we discussed the idea of liberalism, one of the most important theories of politics in modern political life and, after the fall of the USSR (December 26, 1991), the dominant political theory for the last 25 years. Although Locke is often seen as the founder of liberalism, or at least one of its first advocates, the term itself was not used in a political sense until the late 18th century, and it was only in the 19th century that thinkers, among them John Stuart Mill, identified themselves as liberals and a liberal political party was founded in Great Britain and in other European countries. As Daniel Klein points out, early uses of the term referred mainly to economic policies, such as Adam Smith's famous invocation of the "system of natural liberty," a market society in which individuals were at liberty to pursue their own interests, but in a way that would tend to promote general well-being due to the need to offer desired products and services in competition with other producers.¹³ Nonetheless, even in its earliest days it had a broader meaning, including constitutional government, religious toleration, and civil (and later political) liberty or freedom. The core idea of liberalism is that as much as possible social life – religion, education, culture, economic relations, etc. – should be organized through the voluntary choices and associations of individuals, not authoritatively directed through political institutions.

By Mill's time the Lockean idea of the private sphere had expanded into a threefold categorization of social life: the state, civil society, and private life. Private life in this view includes the family, friendship, and other personal relations, whereas civil society includes the wide range of voluntary and commercial associations (including organized religions) that individuals form to meet their various needs. The state, in this view, is to provide a framework to facilitate social cooperation. It does so by creating and enforcing a system of rights and duties, including civil rights, property rights, contract, etc., which makes voluntary agreements possible, and specifies how associations can come to exercise certain powers and assume certain responsibilities. It also provides those goods and services that cannot be adequately provided through voluntary efforts, such as national defense, certain social programs, and environmental protection. In other words, the task of the political association is basically twofold: to secure justice by defining and enforcing rights and to provide public goods. As we have seen, this is very similar to Locke's conception of the purpose of the state, so it is easy to see why Locke is often thought of as an early proponent of liberalism.

The central issue of J.S. Mill's *On Liberty* is to determine the "nature and limits of the power which can be legitimately exercised by society over the individual" (1). Mill makes it clear that the issue is state power as such, even if democratically organized. As he puts it, "the 'self government' spoken of [in a democracy] is not the government of each by himself, but of each of us by all the rest" (4). But unlike so many contemporary libertarians, who often take their inspiration from Mill, Mill was not fixated on the power of the state, and was equally concerned with non-political forms of power, including the power society exercises over us through social pressure and public opinion. Mill is as concerned about social power as he is about political power: society, he argues, can practice "a social tyranny more formidable than many kinds of political oppression.

¹³Daniel Klein, "The Origin of 'Liberalism'," *The Atlantic* (February 13, 2014), available at <https://www.theatlantic.com/politics/archive/2014/02/the-origin-of-liberalism/283780/> (accessed July 6, 2018).

So, when is it justifiable to limit an individual's liberty? Mill's answer is his famous **Harm Principle**: "... the sole end for which mankind are warranted, individually or collectively, in interfering with the liberty of action of any of their number is self-protection. ... the only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others" (9). In offering this answer, we can read Mill as extending Locke's argument for religious toleration to a broad array of values and activities (7). However, before examining the grounds for Mill's answer, it is useful to consider Mill's account of why this question needs to be investigated, which he addresses briefly in pp. 5-6. Mill's question, obviously, is a normative or practical question – of what we should do or how we should act. And he argues that most people decide practical questions not on the basis of reasons, but of feelings, which are controlled by custom and experience, and amount to nothing more than one person's or, more commonly, some group's preferences. He is especially concerned with the ways in which one's class position, either as dominant or subordinate, affects one's judgments. What Mill is trying to do is rise above this kind of subjectivity, and to provide a an objective, or better, an intersubjective basis for making such judgments, that is to say to determine the legitimate scope of freedom in society on the basis of reasons rather than mere preferences. After finishing the essay, you should ask yourself whether he succeeds.

But first we need to be clear about exactly what the principle holds. Note, e.g., that it is qualified in several ways, first, in that it applies only to mature persons and societies. You should ask yourself what does Mill mean by "maturity," especially in the case of a society, and why does maturity matter? Second, he insists that harm is a **necessary** condition, **not** a sufficient one for limiting one's liberty. Why does Mill think that an action's causing harm to others is not sufficient to justify prohibiting that type of action? A third qualification (or specification) is that the harm principle applies to restrictions enforced by social pressure as well as legal penalties. As you read the text you might want to think about what exactly "social pressure" means and to whom a principle limiting social pressure can be directed? It's more or less easy to see whose behavior is limited by restrictions enforced by legal penalties, viz., the legislators who make the laws. But is there an analogue to legislators in the case of social pressures? A fourth specification is that "harm" includes failure to perform positive duties as well. Again, as you read through his argument you should ask yourself what these positive duties are and who makes that decision. A fifth specification is that not only harms, but offensive behavior may also be regulated, such as laws prohibiting nudity in public places. You might want to think about whether this is consistent with his insistence that the harm principle requires that self-regarding actions, that is actions that only affect the actor himself or herself "directly and in first instance" (11). If an action (or more precisely, if a type of action) has harmful indirect effects or involve what might call non-material harms, individuals should be free to perform them. As you can see, although the harm principle may appear to be clear and simple, to draw a bright line between what we should be free to do and those actions that may legitimately be regulated, it is far from self-interpreting. A skeptic might wonder what the value of this principle is if it requires a great deal of interpretation and specification, particularly with respect to the question of what constitutes "harm." Do Mill's efforts to clarify the principle and its grounds, and to offer illustrative examples (especially in his last chapter ("Applications")), adequately clarify the principle, demonstrating that it can be accepted as a public standard to determine the legitimate scope of law (and "social pressure")?

Mill argues that his principle applies in two broad areas or domains of liberty. One is consciousness or thought and communication. In this area he argues that freedom should be largely unconstrained because thinking is largely self-regarding. Thus, there should be no restrictions on freedom of thought and, in general, on freedom of communication, though note that he allows restrictions on commercial speech (99), incitement, and certain other cases. These are cases where "speaking" or communicating falls under the second broad area, which we might call social action, which are to be regulated by harm principle.

Chapter two focuses on freedom of thought, putting forward the critical idea that truth does not provide an adequate grounds on which to censor ideas expressed in speech, publication, and presumptively

other modes of expression (though we might want to ask whether the dramatic changes in the technologies of communication today undermine his arguments). Note that a critical idea underlying his argument is what we might call Fallibilism: the doctrine that there is no privileged access to truth, and so any belief might be mistaken. Truth, we might say, does not involve a simple and static correspondence between sentences and the world, but involves the idea of a process of testing, criticism, error detection and correction, so that over time we come to have stronger grounds for our belief. Mill is in effect asking, “When is it rational to rely upon one’s beliefs?” And his answer is, “When beliefs have been subjected to testing and correction.” This is a powerful and important idea, one that is central to the theory of democracy. Because “truth” is dynamic, tied to a process of criticism and refutation, Mill argues that suppression of beliefs prevents progress or social learning.

In thinking about Mill’s argument, you may want to attend to several questions: Why does suppression of opinion presuppose that one possesses truth? Can opinions regarding religion and moral and political matters be true? Aren’t they just based on or expressions of subjective feelings, and so neither true nor false? Is freedom of thought and expression sufficient for the progressive development of knowledge that Mill envisions, or are there other necessary conditions for the “marketplace of ideas” to function effectively?

The next two chapters sketch out the broad lines of thinking that led Mill to set up the question of a right to liberty, an individual right to non-interference by others, in the way he did. One of Mill’s key ideas is that individuality is a fundamental value, and that his harm principle rules out paternalism (or, to use more contemporary language, parentalism) as a justification for political policy or social pressures for conformity. Mill’s ideal of human excellence involves a notion of self-realization, of individual uniqueness and the importance of realizing that uniqueness. The idea is that there is something distinctive about each of us as individuals, and that our good consists in part in coming to discover and realize our special talents. This idea of self-realization goes beyond earlier notion of autonomy or moral freedom, which figure so centrally in Kant and Rousseau. Mill’s views contrast most sharply with what we might call traditionalism or conservatism, whose ideal is to relish the traditions, the identities, the values or ideals that we have come to have by growing up and participating in a settled way of life. Conservatism stresses how our individual identities are deeply shaped by our social way of life, and holds that understanding this fact means that we must reject abstract or universalistic ideas of equality, freedom or rights, and live in such a way as to cultivate and enjoy the way of life that constitutes who we are.

The commitment to individuality is closely related to Mill’s anti-paternalism, his insistence that only harm to others can ground restrictions on individual liberty, not harm to self. In the case of self-regarding actions, Mill insists that individuals must be free to make their own mistakes. As you read Mill’s discussions you should note the reasons he offers for rejecting parentalistic justifications for limiting liberty. One way of thinking about his analysis is to think about how you should make an argument to your fellow citizens to persuade them to restrict some behavior. e.g., a policy to prohibit smoking weed. Mill is in effect saying that if such a law is legitimate, you should be able to convince your fellow citizens that there is some plausible way in which they can see that your smoking weed is going to harm me (or others). Thus, the health effects of smoking weed on smokers is not a justification for prohibiting people from smoking. Nor is the fact that the recreational use of drugs is immoral, e.g., because getting high is not dignified, not a good way to live. Legally restricting self-regarding behavior on the grounds that it is immoral is called **legal moralism**, and in Mill’s account it is not an admissible grounds for restricting liberty.

Note, however, that Mill’s account is nuanced, and he acknowledges that the line between self- and other-regarding action is not clear or bright. In his discussion of alcohol he acknowledges that overuse of that drug can lead to behavior harming others, and so he allows that the authorities would be acting properly if they adopted policies that would minimize such harms, so long as the policies were sensitive to the value of liberty and the restrictions on liberty were effectively tied to the harms in question. In putting forward the

harm principle Mill does not think that he has given us a magic formula we can use to solve difficult political questions. Rather, he is presenting a reasonable framework for citizens' deliberations on such questions, one that will enable them to zero in on the critical issues, even if we can't expect everyone to agree on the answers to the questions they face. His hope is that by ruling out certain considerations (such as the conflicting ideals people have) and focusing on harm, they could see that a decision, even if it's one they don't agree with, is at least reasonable, one that they could live with. It thus provides a way to manage conflict, even if the disagreement isn't fully resolved.

But is the concept of "harm" clear enough to provide such a framework. If I run a restaurant in a particular location, and you open another one that offers wonderful quality of food and low prices, thus attracting my customers so that I go out of business, am I harmed? If I'm a vegan who experiences terrible (psychic) distress at the thought that someone, somewhere, is eating cheese, aren't I suffering harm? Doesn't my suffering allow us to outlaw cheese eating? (Mill's example is pork eating (82ff), but the logic is the same.)

The obvious problem is that if anything can count as a harm, then there is no substance to principle. What is Mill's answer to this line of argument? Is it adequate? You might note that Mill's harm principle does not forbid policies that nowadays would be widely regarded as necessary for protecting individual liberty. E.g., in his view having children is an other-regarding act, and may be regulated. e.g., laws may prohibit marriage unless the (heterosexual) couple has adequate financial means to raise a family. In Mill's framework people do not have individual rights to procreate, an idea that many in our society would absolutely reject. Although many today want to enlist Mill as an authority endorsing their own views, his thinking is much more complex and nuanced than they realize.

Reading Assignment: J.S. Mill, *On Liberty*

Reading Questions. There will be an in-class quiz.

1. "... the sole end for which mankind are warranted, individually or collectively, in interfering with the liberty of action of any of their number, is self-protection [that is,] to prevent harm to others. His own good, either physical or moral, is not a sufficient warrant" (Mill, 9). Critically examine this claim.
2. Some libertarians complain that a wide variety of laws and policies in contemporary societies are illegitimate because of their supposed paternalistic nature. The types of laws to which they object include those requiring pharmaceuticals to be 'safe and effective,' food to be pure and unadulterated, automobiles to be equipped with certain safety features (such as seat belts), adults to wear seatbelts when riding in an automobile, people to purchase health insurance, and laws imposing heavy taxes on cigarettes and alcohol. These policies appear to have a variety of objectives, including consumer protection, controlling or reducing costs for consumers, and penalizing free riders. In light of Mill's argument for the harm principle and against paternalism, analyze the libertarian case.
3. It is often said that the solution to the problem of hate speech is more speech. Echoing J.S. Mill, in a famous 1927 Supreme Court opinion Louis Brandeis wrote, "'If there be time to expose through discussion the falsehood and fallacies, to avert the evil by the processes of education, the remedy to be applied is more speech, not enforced silence.'" Critically assess this argument.
4. In recent years many people and organizations have claimed that it is a violation of their religious freedom for them to be required not to discriminate against those customers or potential employees whose personal characteristics or behavior offend their religious sensibilities. For example, employers have

objected on religious grounds to being required to hire qualified people of another race, businesses (e.g., florists or photographers) have objected to providing their services to gay couples getting married, corporations have objected to providing contraceptive coverage to their employees when the family who owns the corporation objects on religious grounds to the use of contraception. Do these laws actually violate religious freedom? Should people engaged in business be permitted not to provide their services, hire individuals, or deny employees rights that are required by law because they object to doing so on religious grounds?

College of Social Studies
Sophomore Colloquium in Social Theory

Fall 2021

Week 13: Weber (1864-1920): Disenchantment and Bureaucracy: The Fate of our Times

Weber, like Marx and Durkheim, conceptualized the massive changes taking place in society as a result of commercialization and industrialization in terms of what we have been discussing as modernization theory. Weber sees modernization in terms of the rationalization of social life: the subjection of more and more areas of social life to rational norms. In his famous book, *The Protestant Ethic and the Spirit of Capitalism*, he argued that the ethos of modern capitalism grew out of the rationalization of the religious vision underlying modern Protestantism. According to Weber, Protestantism is the epitome of a religion of active asceticism, in which the devout see themselves as God's tools, whose purpose is to do His work on earth. A critical idea for Protestantism, then, is the idea of a "calling" or "vocation," for it is the idea of a calling that suffuses ordinary, worldly activities with transcendent meaning. While the specifically religious meaning of a vocation is no longer central to the culture of the West, the idea of a vocation continues to be important. One of the principal means through which many people in our society define themselves, and come to find a sense of meaning and purpose in their lives is through their work or vocation. In two of his most famous and most brilliant essays, Weber sets out to address the meaning of science and of politics as vocations – or, better, as callings – in the modern world.

There is something deeply problematic about the pursuit of science as a calling. In one sense, science may be seen as a continuation of the historical process of the rationalization of religious worldviews. As we have seen, one important characteristic of religions is that they provide answers to the deep and fundamental question posed by Tolstoy: "What shall we do and how shall we live?" In answering this question, religions offer their adherents a vision of the world that enables them to see how their own lives, and their suffering, fit into a broader scheme of things. They come to see how their lives serve purposes that make their lives worthwhile, and so they can become reconciled to the world and its apparent irrationalities. This attempt "practically and ethically to rationalize the world" (*From Max Weber* 357) complements the effort of science to comprehend the world in theoretical terms. But the very success of science in increasing our rational understanding of the world undermines the religious vision which gave our lives meaning, and which led to the rationalization of our worldviews in the first place. Science has this result because it leads to the "disenchantment of the world." It forces us to see the world as stripped of purpose and ultimate meaning, as the locus of the interplay of causal forces, whose ultimate outcomes are governed by contingent circumstances that do not serve, and are not controlled by, any higher purpose.

Because it strips the world of meaning, science as a vocation is doubly problematic. In the first place, it calls into question the possibility of answering Tolstoy's query at all. On what basis can we find meaning in our lives if we can no longer see the world as "enchanted," as a realm of purpose and meaning that transcends one's own, individual life? Second, we must ask what, if any, point can the calling of science – the life of scholarship, study, and theoretical reflection – have for the men and women who pursue it? How can science contribute to the lives of its practitioners, and what role can it play in giving point and direction to the lives of others? What special qualities does it require in a person, and what special rewards does it offer? These are among the deep questions that Weber sets out to answer in "Science as a Vocation."

From the account I have given so far, you may think that Weber could have no answer to these questions, that his view of life in the modern age must be entirely bleak. But that is not really the case. In the face of an increasingly rationalized world, he saw a possible stance a person could take which would involve a special kind of heroism, the heroism of the individual who can stand up to the "stern seriousness

of these fateful times" (FMW 149), who can make his or her own commitments and affirmations, and live in accordance with them, without the illusion that they are anything but one's own commitments. The modern hero must have an adequate understanding of his or her situation, and must make commitments that are not based upon self-deception, or the delusion that the world could be different.

Such a person will be characterized by enormous inner strength, and may also serve as an inspiration for others, presenting them with an image and a model of how they might live their own lives. If so, that person might have the capability to become a political actor. In "Politics as a Vocation" Weber describes the qualities a person must possess if he is "to have the right to grasp the spokes of the wheel of history" (*The Vocation Lectures*, 76). In many ways the political life is more demanding than the life of scholarship and science because politics gives rise to deep moral and personal paradoxes that the political actor must face. While the scholar must above all be committed to truth, and must recognize the limitations of his or her authority and role as a scholar, the politician is responsible for the well-being of a community, and must strive to advance a "cause" in his or her public actions. This means that politicians may face deep conflicts between the requirements of ordinary or private moral life and their public responsibilities.

The specific means of politics is violence: the state, in Weber's well-known definition, claims a monopoly of the legitimate use of physical force within a given territory. Because of this, the politician may have to use means, such as killing or lying, that would be utterly wrong for someone acting in other roles. One who "becomes involved with politics, that is to say, with power and violence as a means, has made a pact with satanic powers. It follows that as far as a person's actions are concerned, it is *not* true that nothing but good comes from good and nothing but evil from evil, but rather quite frequently the opposite is the case. Anyone who does not realize this is in fact a mere child in political matters" (TVL 86). In order to deal with these dilemmas, Weber develops his account of an "ethics of responsibility" and an "ethics of conviction," arguing that the politician must strive to find an appropriate balance between them.

One reason why politics presents us with such deep moral problems is that it is so different from religion in the means it must employ, but similar to religion in that the nation or political causes generally, like religious associations, can give meaning to death. This is most evident on the battlefield, where soldiers feel that they are risking their lives and dying for their country. Politics is also similar to religion in the important role that charismatic leadership plays in both spheres. In Weber's view, much of history can be seen as an interplay between inspiration and the routinization or rationalization of an inspired vision in systems of belief and in social institutions. The men and women who offer such visions are charismatic figures. They have the "gift of grace," and are followed because they can inspire personal devotion and personal confidence on account of their extraordinary qualities such as heroism, sanctity, or exemplary character. A charismatic figure offers his or her followers a vision of life which they accept and follow because they *believe in* him or her.

Because charismatic leaders are set apart from ordinary men and women, because they are endowed with supernatural, superhuman, or at least exceptional powers and qualities, they "must stand outside the ties of this world, outside of routine occupations, as well as the routine obligations of family life." This means that there is "an unavoidable separation from this world of all those who partake of charisma" (FMW 248). This "separation from the ordinary" means that charismatic figures are an important source of innovation in society – they have a kind of authority that enables them to break with traditions and to articulate new values and norms. But it also means that their authority is inherently unstable. Because they are exceptional, because they stand outside of the ordinary flow of life, because their authority is purely personal, they do not provide an "ordered procedure of appointment or dismissal" (FMW 246); they must "reject as undignified any pecuniary gain that is methodical and rational" (FMW 247); and they do not provide a formal method for the adjudication of disputes (FMW 250). Because charisma is personal, the possession of a particular individual, it is necessarily impermanent.

It follows from this that if an inspired vision is to be efficacious it must make its peace with the world: it must assume a form that can be applied in the everyday world, and it must become manifest in an organization based on forms of discipline, on the "consistently rationalized, methodically trained and exact execution of the received order" (FMW 253). If charismatic leadership is to give rise to a new way of life, to new institutions and practices or to a stable system of rule, it must be "routinized." Of course, this need is particularly acute when the movement faces the problem of succession due to the death of the original, charismatic figure. The routinization of charisma can take two directions. On the one hand, it may be "traditionalized," as customary practices evolve through which the authority of the old leader is passed on to successive generations. The grounds of authority in this case will be in part "the sanctity of immemorial traditions." On the other hand, the authority may be "rationalized." In this case, authority will be at least in part "rational-legal" in form. Recruitment to the administration will be based upon technical competence and training, and obedience will be based "on a belief in the legality of enacted rules and the right of those elevated to authority under such rules to issue commands."

Historically, the dominant form of authority throughout much of the world was traditional authority, occasionally interrupted by the rise of new charismatic leaders who would establish a new dynasty or other religious and political institutions. But in the Occident, a process of rationalization has occurred that has fundamentally altered that pattern. While the rationalization of religious visions or political structures and ideology is a general feature of human life, in modern times in the West this process has been carried much farther and has been much more intense than anywhere else. This is due in part to the growth of scientific knowledge and the division of labor occasioned by capitalism, and by the fact that rationalization has come to be self-consciously pursued by social actors as efficiency has become an important value in modern cultures. This has resulted in a way of life and a system of institutions that threatens the dialectic between inspiration and its routinization or rationalization that has previously characterized human history.

Modern society is dominated by large-scale, bureaucratic organizations. Bureaucracy is the epitome of rational-legal authority; bureaucratic structures tend to replace non-bureaucratic forms of administration largely because of their superior efficiency. The growth of bureaucracy is closely related to the growth of democracy (which requires uniform or equal treatment of people, a prime characteristic of bureaucracy) and to the growth of market or capitalist society (which requires stable expectations regarding the actions of public authorities). But as modern society comes to be dominated by remote, impersonal structures of the state, business corporations, and the market, individuals may experience the world as an increasingly alien one, over which they can exercise no control, and with which they cannot identify. In some of his moments Weber could see only the vision of a future in which men and women were trapped in an "iron cage" of rationalization, bureaucratization, the decline of art, spontaneity, and impulse, and in which the individual can find no solid grounding for his or her ultimate commitments. This is the oppressive world that Kafka describes so tellingly in novels such as *The Trial*.

Weber and Marx offer different diagnoses of the problems of modern life and, not surprisingly, they prescribe different solutions. Weber rejects socialism as an ideal; by abolishing the market, socialism would lead to the universal bureaucratization of life and so further restrict possibilities for individuality and self-expression. Rather, Weber advocates a system of parliamentary democracy which would encourage charismatic political leaders to rise to the fore. Such leaders, Weber hopes, would be able to control the bureaucracy and make it responsive to the changing needs and aspirations of the citizenry. Of course, this is a limited solution; it is possible only if we have politicians and citizens who possess the maturity to cope with the "polar night of icy darkness" (TVL 93) that, in the end, defines our lot.

Assignment: Max Weber, "Science as a Vocation," "Politics as a Vocation," in Max Weber, *The Vocation Lectures*. "The Sociology of Charismatic Authority," "The Meaning of Discipline," "Bureaucracy," all in

From Max Weber. "Bureaucracy and Political Leadership." The latter readings will be made available on Moodle or in some other way.

Questions for Discussion: Note: there will be an in-class quiz this week; no short paper is assigned.

1. What is the role of science in making value judgments? Can we provide a rational grounding for moral values and norms?
2. "Anyone who seeks the salvation of his soul and that of others does not seek it through politics, since politics faces quite different tasks, tasks that can only be accomplished with the use of force" (TVL 90). Why not? What should be sought in political action?
3. Critically assess Weber's vision of modern politics and society. In what ways do you find it appealing? In what ways problematic? Does Weber convincingly refute those (such as Marx or even Durkheim) who hold out the vision of a genuine community under the conditions of modern society?
4. It has been said that a paradox of modern democracy is that it necessarily gives rise to bureaucracy which necessarily undermines democracy. Critically assess this claim.
5. "It is the fate of charisma, whenever it comes into the permanent institutions of a community, to give way to powers of tradition or of rational socialization" (253). Why?
6. Explain: "Discipline in general, like its most rational offspring bureaucracy, is impersonal" (254).
7. Exactly how is military discipline the "ideal model" for the modern capitalist factory?
8. How does charisma "remain a highly important element of the social structure" (263) even after it has become routinized, and even after the sources of authority become traditional or rational-legal?
9. Why is the development of the money economy a presupposition of bureaucracy?
10. "Bureaucracy is occasioned more by intensive and qualitative enlargement and internal deployment of the scope of administrative tasks than by their extensive and quantitative increase" (212). Explain.
11. Why is bureaucracy "among those social structures which are hardest to destroy" (228)?
12. Why does Weber say that in the modern world the "struggle of the 'specialist type of man' against the older type of 'cultivated man'" enters "into all intimate cultural questions" (243)?
13. Why does Weber place the discussion of the "legitimation of domination" at the forefront of his account of political power?
14. "All states may be classified according to whether they rest on the principle that the staff of men themselves own the administrative means, or whether the staff is 'separated' from these means of administration." Why does Weber propose this basis for classification?
15. What is the significance of the role of lawyers in politics in the west, according to Weber?
17. "To take a stand, to be passionate . . . is the politician's element." Explain.
18. Why does Weber say that tragedy is an aspect of all political action?
19. What is the difference between the "ethic of conviction" and the "ethic of responsibility"? Which is more appropriate to political life?
20. In what ways does Weber think these two "ethics" can be understood as supplements to each other?
21. Just how does science lead to the disenchantment of the world?