

Political Philosophy I at Stockholms Universitet

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1 Reading assignment 1: Plato - Crito

Socrates' friend, Crito, soon before his planned execution, to attempt one last time to convince Socrates to accept help from his friends in escaping the prison.

Crito cites three reasons why Socrates should accept. Firstly, he is a beloved friend who cannot be replaced. Moreover, if Socrates is executed, Crito will be disgraced in society's eyes because people will think that Crito either couldn't or didn't want to save him. Finally, Socrates' children will be left as orphans.

There begins Socrates' explanation why he refuses to escape his penalty.

Firstly, he preaches to Crito that he should not be concerned with the public opinion. Good men will know things as they are, and the others' opinion is irrelevant. He uses multiple analogies, for example that of a gymnast and their trainer. The athlete should pay attention to their coach's criticism but not to anyone else's.

Then he presents arguments against escaping:

By escaping, he would undermine the authority law and the state. He would be setting an example for other Athenians to ignore the law and the collective decisions of direct democracy.

He claims that Athenians have a moral obligation to be obedient to the state out of gratitude for what they have already received: an upbringing, education.

Socrates also brings up the fact that every free Athenian, once they come of age, is free to take their belongings and leave where they wish. Therefore, by staying in Athens, they have implicitly accepted the social contract embodied by the law.

For Socrates, there are two acceptable stances in relation to the law: either obey the commands, or convince your co-citizens that the commands are wrong. Disobedience is out of question and in his eyes it is wrong in three ways: it wrongs ones' parents, it wrongs ones' teachers and it breaks the social contract.

Finally, Socrates states that by escaping, he would confirm the verdict of the judges, who deemed him as someone who corrupts the youth, someone who destroys the laws. By accepting his sentence, he will prove them wrong and show his virtue and justice.

2 Lecture 1: Plato - political obligation

Book for the course: *Political Philosophy* by Jean Hampton.

Handouts posted on Athena after each lecture.

On the forum, try to discuss with other posters instead of just posting your own essay. Short and concise answers more appreciated.

Regular quizzes will be posted on Athena.

Key concepts and ideas listed on last page on each handout.

Exam:

- 10 multiple choice questions
- Five short explanations and definitions
- Two 500-word essay questions
- The exam will be based only on material discussed in class

Socrates was sentenced to death for corrupting the youth. He was part of the losing party during political turmoil, so it was kind of political vendetta against Socrates.

Did Socrates have an *obligation* to accept his sentence and to refuse the chance to escape?

2.1 Power and authority

Power: X has power over Y if X can compel Y to perform some action *p*.

- X's power over Y gives Y *a reason* to obey, but it does not create an *obligation*

Authority: X has authority if X occupies a social role (e.g. in virtue of their expertise) from which they can provide reasons for Y to act in certain ways.

- X's authority gives Y *a reason* to obey, but it does not create an *obligation*.

Political authority: X has political authority over Y iff the fact that X requires Y to perform some action *p* gives Y a reason to perform *p*, regardless of what *p* is, and where this reason purports to override all (or perhaps nearly all) reasons Y may have not to perform *p*.

Preemptive (or exclusionary) reasons: Commands issued by political authority provide reasons that *preempt or override* other reasons. Political authority requires surrender of judgment.

- It is the *source of the command* that creates the reason, not its content or relation to other reasons
- X's political authority over Y gives Y an overriding reason = *obligation to obey*.
- Political authority can provide preemptive reasons because it has *entitlement to rule*.

2.2 The source of political authority

Natural subordination theories

The nature of some creatures is such that they instinctively submit and take direction from other beings whose natures fit them for dominance, rule, and power.

- The *natural roles* argument for natural subordination
 - Aristotle’s natural subordination theory
 - * The natural domination of master over slave who has lower cognitive abilities
 - * The natural domination of men over women
- The consequentialist argument for natural subordination
 - Enlightened colonialism (e.g. Mill)

2.3 Divine authority theories

A ruler has legitimate political authority iff his authority comes in some way from the authority possessed by God(s) whose rule over human beings is unquestionable.

- **Ruler is (a) God**, a divine authority himself
 - Egyptian pharaohs (Tutankhamum means *living image of Amun* the Sun god)
 - Dalai Lamas (re-incarnations of Avalokitesvara, *the lord who looks down*)
- **Ruler is descended from God(s)** and has divine status due to this relationship
 - Some Roman emperors (Augustus was *Divi filius*, *Son of the Divine One*)
 - Japanese emperors (descendants of the goddess Amaterasu, the goddess of the Sun)

Divine right view

Rulers are human but have been given the authority to rule by God (indirect authorization).

- Adam was given authority to rule the Earth by God and kings are his first-in-line descendants
- Robert Filmer (1588-1653), *Patriarcha, or the Natural Power of Kings* (1680)

Metaphysics and politics

Natural subordination and divine authority theories are *metaphysical*: politics is part of the natural world.

Politics as a moral problem

- If political authority is part of the natural order of the world, politics is not a moral problem (it is a question of metaphysics).
 - There were medieval books guidelines for rulers which instructed how to be a good political leader, not from perspective of being good to your subject but to satisfy God.
- If political authority is not part of the natural order, it must be explained how and why rulers can have it, and why subjects have an obligation to obey it – politics becomes a moral problem.

The single most consequential idea of Western civilization: *Politics is conventional*

2.4 Conventional views of political obligation

Natural duty accounts

There is a general non-voluntary obligation to maintain and promote just institutions.

Do you think that a state can exist and survive in which the decisions of law have no power, where they are ignored by citizens?

- How to explain your special obligations to your own state if political obligations are general?
- How are you bound to *your* state?

Associative accounts

There are special, non-voluntary (role-) obligations towards one’s political institutions created by social roles or identities (e.g. obligation from gratitude).

since you were brought into the world and nurtured and educated by us, can you deny in the first place that you are our child and slave, as your fathers were before you= And if this is true, you are not on equal terms with us... Just as you may do no violence to your father or mother, much less may you do violence to your country.

- Why does a social role or identity create political obligations in itself?
- How could the duties associated with a social role or identity that is morally indefensible be morally binding?

Transactional accounts

There are special, non-voluntary obligations towards political institutions, based on the requirement of reciprocity: political obligations are a matter of fairness.

Not only have we ... given you and every other citizen a share in every good that we have to offer, but we have even granted you and every Athenian the right that if you do not like us when you have come of age, you may go where you please and take your goods with you. None of our laws will forbid it or interfere with you. Anyone who does not like us, the laws and the state, and who wants to go to a colony or to any other city, may go where he likes, and take his goods with him.

- Fairness is owed to fellow citizens; how do duties to fellow participants in a cooperative scheme establish obligations to the state?

Social contract theories

Political obligations arise from voluntary acts (consent) either explicitly or implicitly.

Anyone who has seen the way in which we keep justice and administer the state, and who remains here, has entered into a contract that he will do as we command him. And if he disobeys us, he wrongs us... because he made an agreement with us that he will obey our commands.

- Does ”choosing to remain” constitute explicit or implicit consent?

- If consent is hypothetical, how can it create real-life obligations?

2.5 Are all political authorities entitled to rule?

Political legitimacy

Political legitimacy is *justified* entitlement to rule.

Two different views:

- **Political authority presupposes legitimacy.** Only legitimate political authority creates political obligations. That is, only *legitimate governments have political authority*. Illegitimate governments have only power.
- **Political authority and legitimacy are distinct.** Even illegitimate governments have political authority. That is, they are entitled to rule, even if their entitlements is not all-things-considered morally justified.

2.6 Are there legitimate states?

Philosophical anarchism

There are no preemptive reasons and hence no political authority. The authority of the state is not unique (it may have authority, but not political authority).

- Not to be confused with political anarchism, a view about social and political organization.

3 Key concepts 1

- power
- authority
- political authority
- preemptive (or exclusionary) reasons
- natural subordination theory
- divine authority theory
- natural duty accounts of political obligation
- associative accounts of political obligation
- transactional accounts of political obligation
- social contract theories of political authority
- political legitimacy
- philosophical anarchism

4 Reading assignment 2: Hobbes - Leviathan

4.1 Of the Natural Condition of Mankind as Concerning Their Felicity and Misery

1. People differ in physical strength and mental capabilities but when all taken together, no man can claim superiority over another.

2. All men think they have bigger mental capabilities than the average. This is a good sign of equal distribution that everyone is happy with their share.

3. From the equality of ability arises equality of wants. Men become enemies when they want something which cannot be shared between them.

4. Thus one must increase his power to secure his position and possessions. Some take pleasure in acquiring more power than necessary.

5. One looks for companions that have equal power. Inequalities between peers create grief and damage.

6. Three causes of conflict: competition, diffidence, glory.

7. They make made invade (respectively) for: gain, safety, reputation.

8. War is the default state of men. War is not only manifested in fighting but also in disposition thereto. Peace is assurance of non-conflict.

9. The state of war creates too much uncertainty for the industry or cultivation of earth to be practiced or developed.

10. Our daily experience confirms the state of war: we travel with companions, we lock our doors, we lock our chests, we pay great deal of attention to security.

11. "Savages" in America live to this day in their "brutish" ways because there is no state or laws to regulate them.

12. Kings are in constant state of (cold) war with one another. But because they exercise control over their citizens, the citizens are not in war with one another.

13. Justice and injustice, good and evil, right and wrong, are societal notions and have no meaning in the state of war between men.

14. Men are inclined to peace by: fear of death, desire of necessary things for living, hope by their industry to obtain them.

4.2 Of the First and Second Natural Laws, and of Contracts

1. The **Right of nature** (*jus naturale*) is the liberty of each man to his own life and to defend it.

2. By **Liberty** we mean lack of external impediments preventing man from exercising his will (freedom *from*).

3. The **Law of nature** (*lex naturalis*) is man's obligation to sustain and defend his life.

4. Every man has obligation to seek peace as long as he has hope of obtaining it and right to defend him otherwise. These follow respectively from law of nature and right of nature.

5. In order to create peace we form the second law: every man shall exercise his liberty in relation to others only as much as he will allow it to be exercised against him.

6.

7. Difference between **renouncing** and **transferring** right.

8. Rights can be only transferred voluntarily in expectation for some good in return. For example one cannot lay down their right of resisting assault because this can only harm them.

9. A **contract** is a mutual transferring of rights.

11. A contract can be called **pact** or **covenant** if it is to be delivered in the future by one side.

18. When both parties perform their part of the contract in the future, it is void unless there is no power governing both of them to hold their promises.

19. Civil estate guarantees the execution of the contract.

20. That which cannot hinder man from performing his part of the contract cannot be admitted as the cause of hindrance.

27. Covenants entered through fear (such as ransom for a prisoner of war or kidnapping) have to be respected until rendered void by the civil law.

28. A former covenant makes void a later.

29. A covenant not to defend myself from force by force is always void. A man may covenant *unless I do so, kill me* but he cannot covenant *unless I do so, I will not resist when you come to kill me*.

31. Two elements of human nature help make sure man keeps his word: fear of consequence for breaking one's word and glory or pride in appearing not to break one's word.

4.3 Of Other Laws of Nature

1.

2. **Injustice** is defined as *not performing the covenant*. Everything that is not unjust is just.

3. There must be some coercive power to force men to be just.

40. The way, or means, of peace are justice, gratitude, modesty, equity, mercy.

41. *But yet if we consider the same theorems as delivered in the word of God that by right commands all things, then are they properly called laws.*

4.4 Of the Causes, Generation, and Definition of a Commonwealth

1. The final cause of men in the introduction of restraint upon themselves is to stop the misery of war.

2.

3. The multitude united in one person (or assembly of persons) is called a **commonwealth**, in Latin *civitas*.

14. He that carries that person is called **sovereign**, is said to have **sovereign power** and everyone besides is his **subject**.

4.5 Of the Rights of Sovereigns by Institution

Commonwealth is established once everyone makes covenant with everyone else to respect the man or assembly given that role. Commonwealth is granted the *right to present* (represent).

4.6 Of the Liberty of Subjects

1. Liberty is defined as absence of external opposition.

3. A man in commonwealth obeys the law for the *fear* of consequences but he has the *liberty* to fuck around and find out.

4. *Liberty* and *necessity* are consistent because every action man does willingly proceeds from some cause. The root of all causes are initial actions of God.

12. If the sovereign commands a man to kill, wound, or in other way harm himself, he has the right to disobey.

13. One is not obliged to confess a crime he has committed (without assurance of pardon).

17. To resist the sword of the Commonwealth in defence of another man, guilty or innocent, no man has liberty.

21. The obligation of subjects to the sovereign lasts only as long as the sovereign is able to protect them.

5 Lecture 2: Hobbes – Social Contract Theory

Thomas Hobbes (1588–1679):

- 1603-1608 educated at Oxford, speaks Greek, Latin, French, Italian
- 1608 tutor to the Cavendish family and the Prince of Wales, Charles II
- "Grand Tours" of Europe, meets Galileo, Descartes, Francis Bacon
- c1640 **Elements of Law** (circulated)
- 1640-1655 flees and lives in Paris
- 1651 **Leviathan**
- Leviathan offends the French church; returns to England
- 1662 Charles I dismisses Parliament; without it, he cannot raise revenue
- 1634-1641 Charles I introduces "ship money", a little-used form of tax for national emergencies
- Charles I appeals to the divine right of kings (rulers are accountable only to God) and that
 - Rulers must have the means to defend the state
 - Only the ruler is entitled to judge if the state is threatened
- **Elements of Law** lends support to this position
- 1640 Parliament is summoned and outlaws taxation without Parliament's approval, Hobbes has to flee to Paris
- 1642-1646, 1648-1651 English Civil Wars
- **Leviathan** offends Royalists for its suggestion that subjects can abandon a ruler who cannot protect them, Hobbes has to flee to England
- 1660 Restoration: Charles II protects and supports Hobbes

- 1666 Parliament prepares bill against atheism
- Hobbes burns his papers

Leviathan (1651)

- Leviathan: sea monster in the Old Testament
- *There is no power on earth to be compared to him* (Job 41)
- Book cover
 - Sword, castle, crown, cannon, weapons, battle – **The power of the State**
 - Crosier, church, mitre, logic, court, excommunication – **The power of the Church**

Aristotelian tradition	Hobbesian turn
Objective moral good	Good is the object of desire
Actions explained with reference to good	Actions explained with reference to self-interest
People are naturally unequal	No significant inequalities between people
People are inherently social beings	Methodological individualism
Natural rights are granted by God	Natural rights are precepts of reason (rationality)

The social contract argument

- People are characterized by traits T
- People live in conditions C
- People with traits T in conditions C behave in ways B
- People behaving in B ways are in state S
- People could avoid the disadvantages of S if they all complied with norms N
- Compliance with norms N can only be achieved by arrangement A

The doctrine of equality

Differences between people are insufficient to lead to spontaneous power imbalances.

Darwin's self-domestication hypothesis is that in every ape group or species males are much stronger than females and some males are stronger than others. Humans are an exception, because all males are similarly strong. Self-domestication hypothesis says that we stopped the "alpha-males" from reproducing. That's how domestication is done in wolves, by killing (or not allowing to reproduce) the aggressive and strong ones.

If self-domestication hypothesis is true, than the doctrine of equality is not natural, we made ourselves that way.

So that in the nature of man, we find three principal causes of quarrel. First: competition; secondly: diffidence; thirdly, glory.

- People are motivated by self-preservation and self-interest
- When there is scarcity, there is competition, especially given equality

- Diffidence is a feeling of insecurity about the future, since no one is able to defend themselves with certainty
- The desire for glory is to increase one's security by developing a reputation for strength
- In the state of nature, life is *solitary, poor, nasty, brutish, and short*.

The prisoner's dilemma

- Defection is always better for each player than cooperation.
- If defection is to attack, it's "war of all against all".

	Cooperate	Defect
Cooperate	2,2	0,3
Defect	3,0	1,1

Defection is the **dominant strategy**¹.

There is only one equilibrium: (attack, attack). But each player would be better off if they could cooperate and reach (cooperate, cooperate).

5.1 The laws of nature

First law of nature

Every man ought to endeavour peace, as far as he has hope of obtaining it; and when he cannot obtain it, that he may seek and use all helps and advantages of war.

Second law of nature

A man be willing, when others are so too, as far forth as for peace and defense of himself he shall think it necessary, to lay down this right to all things; and be contented with so much liberty against other men as he would allow other men against himself.

...in the state of nature

- The state of nature is a pre-political state, in which justice and injustice does not arise
- But there is natural law: the basic natural right of **self-preservation** (self-defense)
- Everyone has the right to everything to secure their natural right
- No covenants can be made, since no one can be assured of the other party's compliance

...and human rationality

- Reason can discover the laws of nature: Hobbes calls them **theorems** (contrast geometry!)
- A law of nature is a precept or rule of **rationality**
- A law of nature formulates a means to securing the natural right of self-preservation
- Laws of nature are **conditional**

¹A dominant strategy in game theory is a strategy that always provides a better outcome for a player, regardless of what the other players do. This means that if a player has a dominant strategy, they will always choose it because it maximizes their payoff in every possible scenario.

Third law of nature

"Men perform their covenants made" (XV.1), for covenants, without the sword, are but words, and of no strength to secure a man at all (XVII.2), and there must be some coercive power to compel men equally to the performance of their covenants (XV.3).

- A law of nature can serve as a constraint only if others follow it.
- Compliance is assured only when there is a greater force that can ensure it.
- Covenants create obligations even (or especially) when they are made out of fear.
- The laws don't limit people's rights: they remove a constraint (the threat posed by others).
- Justice arises from the third law of nature, because injustice is just non-compliance.

5.2 The creation of political authority (the Sovereign)

- Each person mutually agrees that they transfer their rights to the sovereign.
- In modern terms, people **alienate** their rights.
- People as a collective authorize someone(s) with political authority.
- The authorization itself is **non-contractual**: the Sovereign is not a party to the social contract (the people contract with one another).
- Therefore, the political authority of the Sovereign does not come from the contract.
- Therefore, it is not possible to void or revoke the contract.

The rights of the Sovereign:

- The right to determine the means of peace and defense
- The right to judge views which may be useful or harmful for peace
- The right to make peace and war with other nations
- ...

6 Key concepts 2

- state of nature
- doctrine of equality
- competition, diffidence, desire for glory
- laws of nature
- Prisoner's dilemma
- Hobbes' conception of justice
- the Sovereign (sovereignty)
- alienation social contract

- bootstrapping problem
- fear and liberty
- the problem of rebellion

7 Reading assignment 3: Locke - The Second Treatise of Civil Government

7.1 Introductory

Political power, then I take to be a right of making laws with penalties of death, and consequently all less penalties, for the regulating and preserving of property, and for employing the force of the community, in the execution of such laws (...) all this only for the public good.

7.2 Of the State of Nature

A state of nature is a state of perfect freedom and equality, but not a state of licence: man has no liberty to destroy himself or any creature except for a nobler cause.

Everyone is bound to preserve himself and to preserve the rest of mankind.

In the state of nature one man can overcome another by power only as a means of punishment for the offender's transgressions.

In transgressing the law of nature, the offender declares himself to live by another rule than that of reason and common equity, which is that measure God has set to the actions of men, for their mutual security; and so he becomes dangerous to mankind, the tie, which is to secure them from injury and violence, being slighted and broken by him.

Only the person who suffered from the hands of another can remit (forgive), the magistrate cannot do it in their name.

The damnified person has the power of appropriating to himself the goods or service of the offender, by *right of self-preservation*.

7.3 Of the State of War

7.4 Of Slavery

7.5 Of Property

7.6 Of Political or Civil Society

7.7 Of the Beginnings of Political Societies

The same law of nature, that does by this means give us property, does also bound that property too. God has given us all things richly, is the voice of reason confirmed by inspiration. But how far has he given it to us? To enjoy. As much as any one can make use of to any advantage of life before it spoils, so much he may be his labour fix a property in.

Labor gives right of property. For example, enclosing a piece of land to cultivate it is enough to claim property (if the size of land is not excessive).

8 Reading assignment 3: Hampton

Agency social contract theory: rulers as the people's "employees" remain under our control.

Lock wrote the *Treatise* for political purpose:

- Refute Filmer's divine rights theory
- Provide philosophical license for the rebellious activities he and his friends had undertaken against the British rulers Charles II and James II, which culminated in 1688 in overthrow of the latter in what the rebels called the Glorious Revolution
- Therefore he is clearly supportive of allowing the "firing" of unsatisfactory rulers by dissatisfied subjects.

Locke thinks human beings are naturally more other-regarding and more cooperative than Hobbes takes them to be.

God's "Fundamental Law of Nature" directs people to preserve the life, health and possessions of others as long as their own preservation will not be compromised by doing so.

The State of Nature has a Law of Nature to govern it, which obliges every one: And 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 Possessions.

Like Hobbes, Locke insists that people are *politically* equal.

Locke argues that in the state of nature, the law to respect others' persons and possessions would be obeyed by all rational persons.

Warfare is precipitated by irrational members of society who either harm others for their own gain ("*In transgressing the Law of Nature, the Offender declares himself to live by another Rule, than that of reason and common Equity*") or fail (because of personal bias) to interpret the fundamental law of nature correctly, especially when they use it to justify the punishment of offenders.

In an iterated PD Lockean people would behave no differently from Hobbesian people.

The State should solve three problems (*inconveniences*):

- Establish a Law by common consent
- Set a known and indifferent Judge with Authority to determine all differences according to the Law
- Create the Power to back and support the Sentence when right, and give it due Execution

Unlike Hobbes, Locke's ruler should have clear limits on his authority and power.

Like Hobbes, Locke makes individual consent the source of all political authority.

God's laws enable people to have property rights in the state of nature, so that property is something that is conceptually prior to political society. The ruler is not the source of property rights in a society.

Our conception of political societies is deeply tied to the idea that, as Locke puts it, government has "direct jurisdiction" over land.

That idea seems to conflict with a consent-based justification of political authority as Locke has formulated it.

9 Lecture 2 – continuation

9.1 Problems with Hobbes

Bootstrapping

No contracts can be made or maintained in the state of nature – but a contract to create a power that force compliance and makes other contracts possible is possible.

Fear and liberty

For Hobbes, fear and liberty are not in contradiction: there is no violation of liberty if citizens act only out of fear of the Sovereign. But then the Sovereign's rule seems based on power, rather than genuine form of political authority.

Rebellion

- Even once the contract is made, the right to self-defense is not given up – no one can make a contract promising not to defend themselves.
- Citizens have an obligation to obey the Sovereign only as long as it is able to protect them.
- What happens if the subjects cease to believe that the Sovereign can protect them (or feel threatened by it)?
- Since only they can determine when their preservation is threatened, they have the right to determine whether they should obey (or mount a rebellion)
- Therefore, they do not really *alienate* all their rights.

10 Lecture 3: Locke – Representative Government

John Locke (1632-1704)

- 1647-1658 educated in London, Oxford
- 1667 personal physician of 1st Earl of Shaftesbury
- 1672 Lord Shaftesbury becomes Lord Chancellor
- 1675-1679 travels in Europe (Two Treatises of Government probably written around this time)
- 1683 has to flee to the Netherlands
- 1683-1688 prepares Two Treatises of Government and Letter Concerning Toleration for publication
- 1688 Glorious Revolution
- 1689 returns to England and published his major works

10.1 Two Treatises of Government (1689)

Ultimate aim: to justify the idea that subjects can rebel against their rulers.

Further questions:

- What distinguishes authority in the family and in the state?
- What is the relation of ruler and subjects?
- How are property rights possible?

Main opponent: Sir Robert Filmer (1588-1653), *Patriarcha, or the Natural Power of Kings*. Since no-one can dispose over their life (e.g. suicide is a sin, one's life is in the hands of God), but rulers have the right to dispose over the lives of people (subjects are literally the property of their rulers), political authority cannot come from the people. Hence authorization must come from God (through Adam, Noah, and their descendants).

10.2 The state of nature

If a Swiss person goes to America and meets an Indian, they are in the state of nature in relation to each other because there is no common civil society governing them.

Robert Nozick – *Anarchy, State, and Utopia*

10.2.1 The law of nature

Preservation of all mankind

- Everyone is created by God and everyone is equal.
- Everyone is bound by self-preservation and should mutually recognize that everyone's preservation is equally important.

People are politically equal; if they are rational, they respect the equality of others. As long as the law of nature is respected, there is no need for political authority. In the state of nature, the *execution* of the law of nature is everyone's duty.

Every man hath a right to punish the offender, and be executioner of the Law of Nature.

10.2.2 The problem of irrationality

*In transgressing the law of nature, the offender declares himself to live by another rule than that of **reason** and common equity.*

- When irrationality is present, the law of nature is not respected anymore.
- The punishment of violators creates the problem of *impartiality*: who can adjudicate between conflicts (that is, interpret the law of nature) in an impartial way?
- The (cooperative) state of nature becomes a state of war.

Example: WWI, no one wanted to go to war, but mutual offenses just escalated.

10.2.3 Modeling the state of nature

The assurance problem

	Cooperate	Defect
Cooperate	3,3	0,2
Defect	2,0	1,1

Difference from PD – here cooperation is not irrational.

- There is no dominant strategy.
- Two equilibria are (3,3) and (1,1) (state of war).
- Problem: *mistakes* – imperfect rationality may lead to the state of war.

10.3 State of war

Everyone has the right to defend themselves against those who threaten them. A *threat* – an intention of harming another – puts the parties in state of war; thus, anyone who tries to gain absolute power over others puts himself in a state of war with regard to them.

- Slavery is also the state of war (the "state of war continued") between master and slave (this is why slavery is incompatible with civil government).

10.4 The social contract

The social contract is the codification of the law of nature in civil laws and institutional structures.

The end of the political authority is to solve assurance problems by creating *laws*, resolving conflicts *impartially*, and enforcing the laws and impose punishments.

10.5 Political authority

Natural liberty: *To be under no other restraint but the law of nature.*

Civil liberty. Liberty in society consists in

- rule of law that applies equally to all
- laws that are created by representative government
- liberty in those things which are not governed by law
- freedom from the "arbitrary will of another man"

Political authority is limited: the "liberty of man" under government is subject to the rule of law.

10.5.1 The creation of political authority

- 1. The social contract:** people agree in the state of nature to give up their executive powers to carry out the laws of nature.
- 2. Civil society:** people become a *Community* when they pool their powers (the right of government comes from civil society).
- 3. Commonwealth:** government is created by the majority of the Community by placing their powers in it *in trust* (i.e. the government is an *agent* of the people).

Beginnings of modern liberalism: government is there to serve the people.

The government has its political authority in the form of *trust* (in both senses²) from the people.

²Sense 1: trusting somebody. We need to trust that the government actually does its work in the interest of the public good. Sense 2: like putting money in the trust fund, then someone manages them on our behalf.

Only the people can judge whether the government serves their interests (whether they maintain their trust).

A legitimate government respects the law of nature (does not want to enslave people).

10.6 Hobbes vs Locke

10.6.1 Hobbes

Alienation social contract: people give up their natural rights; there are no limits on the political authority of the Sovereign.

People cannot alienate their right to self-defense, which conflicts with the Sovereign's absolute political authority.

10.6.2 Locke

Agency social contract: people retain their natural rights; they put limits of the political authority of the government.

The government's political authority derives from peoples' consent.

10.7 Consent and legitimacy

The legitimacy of political authority rests on consent in two ways:

- **Contractual consent:** agreeing to the social contract to give up the executive rights to the law of nature.
 - Contractual consent may require *actual consent*
 - PROBLEM: how to think about this (Who gave consent?)
- **Political consent:** consenting to the right of government to exercise the executive power of the law of nature
 - Political consent takes the form of *tacit consent* (contractual consent implies political consent, because it comes from civil society and not individual citizens)

10.8 Property

The origin of property

- Starting point: **joint ownership** – God gave the Earth to all of mankind in common.
 - Problem: explaining how private property can arise without the consent of everyone.
- Locke's starting point: **self-ownership** – everyone has property rights in their person (their body, mind, and labor).
 - Note the radical implications: if everyone "owns" their own person, then the right to life and liberty is a *property right*.
 - Thus, the source of property rights is not the sovereign.
 - Therefore, property rights are prior to political society.

Mixing labor theory

The original claim to property is based on adding labor to resources. The justification of property comes from the **additional value** created by labor.

- It is a **law of nature** that people are responsible to improve upon the world.
- The same law of nature forbids wasting or spoiling useful resources.
- Since the source of property rights is not the sovereign, rulers do not have rights to the property of their subjects (i.e. taxation must be consented to).

10.9 The proviso

The Lockean proviso: the appropriation of property is justified iff "enough and just as good" is left. That is, a person gets property right only over resources which she actually uses.

Money: a social convention which makes it possible that inequalities arising from private property does not violate the laws of nature. It involves a *tacit agreement* to put value on (and create rights to) "larger possessions".

11 Key concepts 3

- Filmer's theory
- the law of nature
- state of war
- the problem of irrationality and the assurance problem
- natural vs civil liberty
- civil society vs commonwealth
- alienation social contract vs agency social contract
- actual vs tacit consent
- rule of law
- self-ownership
- mixing labor theory
- the Lockean proviso

12 Lecture 4: Popular Sovereignty – Rousseau

Jean-Jacques Rousseau (1712-1778)

- born in Geneva ("a free state")
- 1750 wins the prize of Academy of Dijon with the **Discourse on the Science and Arts (First Discourse)**
- 1755 **Discourse on the Origins of Inequality (Second Discourse)**
- 1762 *Emilie* and *The Social Contract* – both condemned in Geneva and he has to flee
- 1765 he tries to settle in England
- 1767 returns to France under false name
- 1768 (illegally) marries his companion

- 1770 allowed to return to Paris but not to publish

12.1 The state of nature

Rousseau's question: How did humans become social beings? How did political communities (conventions) arise?

- The only natural form of association between humans is **family**
- In the state of nature, people are **self-sufficient**: there is no community between them
- Self-sufficient people are free

Natural rights

Norms of reason that specify the general preconditions for human existence and survival. Humans can recognize natural rights (they conform to human nature).

Political rights

Particular social rules, laws and relations, arising from power relations.

12.2 Sources of natural rights

Self-preservation: the propensity to pursue one's self-interest

Pity (empathy): the ability to refrain from harming others

- pre-social, self-sufficient humans can spontaneously recognize and follow natural rights
- social, psychologically independent humans need laws to govern their relations
- when the state of nature is left behind, human psychology changes
- the function of government and the rule of law is to restore justice that prevailed among self-sufficient humans
- political society is an arrangement put in place of the state of nature

Hence the opening sentence of The Social Contract: "taking men as they are," and "the laws as they can be."

12.3 Modelling the state of nature

Stag hunt game

	Cooperate	Defect
Cooperate	5,5	0,4
Defect	4,0	2,2

- a version of assurance game
- each player attaches p to the other cooperating (**trust**)
- they can expect p by cooperating, $4p + 2(1 - p)$ by defecting: $5p > 4p + 2(p - 1) \implies p > 2 - 2p \implies 3p > 2 \implies p > \frac{2}{3}$
- that's a lot of trust!
- promises convey no information on intentions

12.4 Psychological change: the state of nature

In the state of nature, humans are characterized by:

- self-love (self-concern)
- pity (empathy or compassion)
- perfectibility (psychological adaptability)

The consequences of this psychological transformation:

- competition
- comparing oneself with others
- hatred, bitterness
- desire for power

As humans emerge from the state of nature (through more frequent human contact) their self-love develops into **amour propre**: a form of love of self that is the function of one's esteem by others, determined by pride, envy, jealousy, greed...

12.5 Psychological change: civil society

Psychological change

- in the state of nature people are equal because they are independent from each other (no power relations arise from natural inequalities)
- in civil society people are free only if their equality is constantly reinforced by institutions
- pity is no longer important as motivational force, it is replaced by **reciprocity** and **amour propre**

Moral change

- since people arise from the state of nature in unequal condition they have to be **made equal by convention** to be able to take part in the common life
- natural inequalities are replaced by **moral equality** and **equality before the law**

12.6 The general will

The social contract

"A form of association which will defend and protect with the whole common force the person and goods of each associate, and in which each, while uniting himself with all, may still obey himself alone, and remain as free as before."

The **total alienation** of rights and powers to become part of the Sovereign:

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

"Each individual, as a man, may have a particular will contrary or dissimilar to the general will which he has as a citizen"

*Whoever refuses to obey the general will shall be compelled to do so by the whole body. **This means nothing less than that he will be forced to be free.***

- The general will is always right: it "wills" the general good – the common will of citizens concerned not with pursuing their own interests but the well-being of society.
- The general will and the **will of all** may be incongruent since people may be irrational and fail to recognize the general will.
- A legitimate political authority will defend people and goods "with the full common force" while each person "uniting with all" "obeys only himself and remains as free as before".
- There is no need for checks and balances on popular sovereignty but it must be able to enforce the obedience of those who do not obey it.
- Since everyone takes part in the institutional framework of the general will, **obeying the law is to obey ourselves**.

12.7 Making sense of the general will

Building a dam

	River goes left	River goes right
Left-side farmers	6	6
Right-side farmers	6	6
Aggregate	6	6

Letting the river flood

	River goes left	River goes right
Left-side farmers	0	10
Right-side farmers	10	0
Aggregate	10	10

- The will of all is to let the river flood
- The general will is to build a dam, even though no one wills it

12.8 Is the idea of general will coherent?

The Condorcet paradox

Voter 1	Voter 2	Voter 3
A	B	C
B	C	A
C	A	B

Using majority rule in pairwise comparisons: $A \succ B \succ C \succ A$

Agenda setting: the order in which alternatives are introduced can determine the outcome

12.9 The relation between sovereignty and government

Forms of government

Popular sovereignty (the general will) is concerned with general matters (making laws). But what about implementing laws and everyday administration?

- **Direct democracy:** danger of interference from popular sovereignty
- **Absolute monarchy:** danger of interference from the government
- **Aristocracy**
 - **Natural:** not suitable for modern political communities (perhaps for primitive people)
 - **Hereditary:** the worst form of government
 - **Elective aristocracy:** the best form of government, combining consent and wisdom (we would call this today *elitism* or *epistocracy*)

12.10 Rousseau's totalitarianism

Hobbes' problem

People cannot alienate their right of self-defence, therefore they have the right to defend themselves against the Sovereign (and not obey the "general will").

Rousseau's solution

When entering civil society, a **second psychological transformation** takes place, and people's will never conflicts with the general will.

- If it does, the transformation has not been complete and people suffer from "fake consciousness".
- People's "real" interests and freedom is in the following the general will, even if they need to be coerced.
- This more than foreshadows totalitarian dictatorships (fascism, communism, ...)

13 Key concepts 4

- popular sovereignty
- self-sufficiency (state of nature)
- natural versus political rights
- pity
- perfectibility of humans
- amour propre
- general will
- will of all
- obeying the general will is "forced to be free"
- direct democracy
- totalitarianism