

WESTERN POLITICAL THOUGHT I

MA (Political Science)

First Semester

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SYLLABI-BOOK MAPPING TABLE

Western Political Thought I

Syllabi

Mapping in Book

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Plato: Theory of Knowledge, Concept of Communism, Theory of Education.

Aristotle: Philosophical Method, Constitution and Citizenship, Concept of Law and Justice.

Unit 1: Greek Political Thinkers
(Pages 3-36)

UNIT - II

St. Augustine: Augustines Method- Theory of Two Swords.

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Unit 2: Medieval Political Thought
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UNIT - III

Machiavelli: Republicanism and Humanism, Human Nature, Notions of Liberty, Views on State.

Montesquieu: Sociology of Liberty, Separation of Powers. Argument of Liberty.

Unit 3: Theories of Government
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UNIT - IV

Hobbes: Theory of Social Contract, Idea of Sovereignty.

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INTRODUCTION

Political thought developed as a branch of philosophy in quest of the ideals of political community and the best way to administer it. Organized states appeared first in the form of Greek cities. Greece, naturally, is entitled to the credit of the first authors of political ideas. The next stage of development of political ideas occurred in with the confrontation between the church and the state in the medieval period. Medieval political ideas reflected such tension. It was after the Renaissance that people caught the attention of political theory and ideas of limited government and democracy took root.

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UNIT 1 GREEK POLITICAL THINKERS

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1.0 INTRODUCTION

Western political thought concentrates principally on the history of the West and different issues confronting it. Political thought is of great importance. It consists of political institutions and social practices. It is the reflection of how best to adjust in our collective life. A political philosopher aims at suggesting how to underline the basic principles regarding the justification of a particular form of state. Political philosophy can also be comprehended by analysing it through the angles of metaphysics, epistemology and axiology. This would reveal the ultimate side of reality, the knowledge or methodical side and the value aspects of politics.

Political thought grew in the world with the Greeks. A thousand years before the birth of Christ the Greeks were developing city states in and around the Mediterranean region. Consequently, Greek thinkers paid a great deal of attention to the creation of an ideal state, its rulers and the institutional structures necessary for running it. In the 4th century BC three great thinkers gave birth to systematic political speculation and created the basis of modern political science: Socrates, his disciple Plato and Plato's disciple Aristotle.

A study of Western political thought involves a comprehensive investigation of the works of various philosophers and political thinkers from the time of Plato till the contemporary thinkers. Students of history and political science will be able to

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understand its insights into the nature of political organization, citizenship, justice, sources of state power and other related ideas. As an academic discipline, the origin of Western political philosophy may be traced back to ancient Greek society when different forms of political organization, such as monarchy, tyranny, aristocracy, oligarchy and democracy were being experimented with. Plato's *The Republic* is one of the first important classical works of political philosophy. This was followed by Aristotle's *Politics* and Nichomachean *Ethics*.

1.1 UNIT OBJECTIVES

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

- Describe the theory of knowledge as developed by Plato
- Evaluate Plato's argument for education
- Assess Plato's view on communism
- Explain Aristotle's concept of rule of law
- Interpret Aristotle's concept of equity and justice
- Discuss Aristotle's view on constitution and citizen

1.2 PLATO

Plato was the first political philosopher in the Western world who lived through the period of the Peloponnesian War. This war almost changed the face of the existing empire and that of the succeeding others. Plato lived in that wonderful period of Greek history when arts, such as politics, art and philosophy, were at their peak. He laid the foundations of Western philosophy and science along with his teacher, Socrates and disciple, Aristotle.

Plato did not follow a political path and tradition; rather, he tried to move on the path of education and educating people. Plato's *Republic* contains a treatise on education. Plato's political theory was intended to change the existing conditions, rather than merely creating an exercise in abstract thinking. Plato's division of labour means more specifically functional specialization. According to Plato, 'The virtue of temperance is the virtue of self-restraint, and self-restraint in this context means keeping one's place in the division of labour.' Plato's communism opened the practicality regarding human nature and the ruling governance virtues. According to him, virtue and principle should be affected while running the government. Plato's thought and understanding is very relevant. Still, in the modern nation-state, there is a need for class division and functional specialization, so that society can function properly.

1.2.1 Plato's Theory of Knowledge

The development of Plato's theory of knowledge (if it is to be called theory at all, for it does not offer a concrete theoretical model in the sense we today understand the

term ‘theory’) can be traced through his various dialogues, such as *Meno*, *Phaedo*, *Republic*, *Theaetetus*, and so on. In *Meno*, Plato uses Socrates as his mouthpiece to put forth the idea of the pre-existence of soul before birth, and, therefore, the knowledge learned or gained is a mere recollection of what was known to the child before birth. This forms the basis of Plato’s theory of recollection and theory of forms, which are both intertwined with his theory of knowledge, and therefore, essential in its understanding. The most comprehensive and detailed argument, however, on the question: ‘What is knowledge?’ appears in *Theaetetus*, which is the only question that the dialogue deals with, but interestingly it ends up offering not the answer to the question: ‘What is knowledge?’ but ‘What knowledge is not?’

For Plato, knowledge must be certain and infallible. It must not vary based on opinions and circumstances. It is on the basis of certainty that Plato distinguishes knowledge from true belief, for he considers the latter to be uncertain. Before going into the in depth understanding of Plato’s theory of knowledge it is important to understand that in many of his dialogues Plato uses Socrates as his mouthpiece to put forth his ideas, and therefore, these ideas must not be considered as the ideas of Socrates himself. However, it is also true that at times, in some of his early dialogues, Plato presents Socrates as the historical personality and not merely his mouthpiece. Although critics and scholars have found it very difficult and problematic to draw a line where Socrates ceases to be the historical personality and becomes a character in Plato’s dialogues.

Theory of Recollection or Anamnesis

In *Meno*, Plato, through Socrates, puts forth the idea that knowledge is a mere recollection of what a soul already knows before its incarnation. By asserting that the knowledge is a mere recollection, this theory also asserts the pre-existence of soul before birth. This also means that the knowledge is not acquired through the use of senses or through learning or teaching. So, knowledge is something that the human soul already possesses, and therefore, acquiring the knowledge is only the matter of recollection of what it already knows. Socrates (i.e. Plato’s Socrates) holds that human soul goes through the rounds of births and rebirths which purifies it, and when the soul is completely purified it is in the position to escape the rounds of incarnations. This leads Socrates to believe that the soul is immortal: ‘So the soul is immortal and has been many times reborn; and since it has seen all things, both in this world and the other, there is nothing it has not learnt. No wonder then, that it can recover the memory of what it has formerly known concerning virtue or any other matter. All nature is akin and the soul had learnt all things; so there is nothing to prevent one who has recollected-learnt, as we call it one single thing from discovering the rest for himself, if he is resolute and unwearying in the search; for seeking and learning is nothing but recollection’.

In order to prove this theory, Socrates uses a slave boy who has no prior training in the field of geometry to elicit the solution of a not so easy geometrical problem. At first the slave boy shows the false belief that he knows the solution, then he exhibits the true belief that he knows the right solution, but what he does not know is why it is correct, i.e. why the solution that he knows to be correct is the

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correct solution of the problem that was given to him. The claim that Socrates makes here is that he did not teach the boy the true belief that he has now, any more than the false belief that he initially exhibited. But both the beliefs were in him, which he was not aware of. It seems that he already had these beliefs but were in dormant condition, and when he was presented with the geometrical problem and was questioned these belief 'stirred up in him, as it were in a dream'.

Socrates further claims that if the boy is questioned further and systematically in different ways, he would then be able to have the knowledge instead of true belief, which he would have recovered from his own soul. This means, that the knowledge must have been acquired by the slave boy before his birth, which means that knowledge is *a priori*. Thus, we have three stages of recollection: false belief, true belief and knowledge. And the transition from first to second, and second to third can only be made through proper questioning, which aids the process of recollection. Now, if the knowledge of things are already there in the soul, i.e. the soul already possesses the knowledge before incarnation, then the soul must be immortal. Socrates further adds that he is not able to defend the entire theory in some respects, but of practical conclusion of the theory, he is nonetheless convinced. It is difficult to know the extent of Socrates' reservation on the matter, but it might mean that the historical Socrates did not agree with this theory. Anyway, there is no doubt regarding the conclusion, which is accepted by both Socrates and Meno.

Although the theory of recollection asserts Plato's idea of acquiring knowledge, i.e. knowledge is not acquired through learning or teaching or through senses, but through recollection of what is already known to the soul, it says nothing about the objects of knowledge, i.e. what is knowledge?

Theory of Forms

In *Phaedo*, Plato develops his theory of recollection, which paves the path for his theory of forms. He introduces this new development in the theory by considering the idea of association, which means that when a man perceives something, he is reminded of something else, which in his mind is associated with what he has perceived. Now, this association is either because of the resemblance between what of perceived and what is reminded or because of the contiguity of the two. Thus, we can say that the recollection is possible only when the person has prior knowledge of what he is reminded of when he perceives something. The question, which now comes to the mind, is regarding the defectiveness of the similarity between what is perceived and what is reminded. Here, at this point Plato distinguishes between the idea of perceiving and conceiving.

The distinction, which was earlier between the perceived sensible things and the recalled or recollected memory images, now becomes the distinction between perception of the sensible particular things and the conception of 'the equal itself' or 'equality'. The recalling of the latter by the former is considered to be the case of association through resemblance. This distinction is actually the distinction between the sensible things and the Forms, i.e. logically between particulars and universals, and epistemologically between percept and concepts. With added metaphysical assumption of Plato, it becomes the distinction between the perfect, real, independently

existing ideal standard (Forms) and inferior imitation of the ideal standard or archetype (sensible particulars). To put it in other words, Plato's metaphysical assumption held that Forms everything and every concept exist independently of the physical world and that the physical world is a mere imperfect imitation of the ideal forms. Thus, there is an ideal form of a table, or a stone, or concepts like beauty and virtue, and what we see or experience here in this world is a mere imperfect or defective imitation of the ideal archetype.

Plato, further claims that it is impossible to recollect the Forms without being stirred through sense perception. If every perception involves a reference to the ideal standard or Forms, which implies the previous knowledge of the ideal standard, then it follows that the knowledge of the ideal standard must precede the first use sense perception, which further means that this knowledge must have been acquired before birth. Thus, the acquiring of knowledge, which earlier was a mere recollection, now becomes the recollection of Forms or the ideal standards through the use of sense perception. Within this it is implied that the soul had at some point before its incarnation had knowledge of Forms and had forgotten it at the time of birth, the recovery of which would mean the acquiring of the knowledge.

A Form then is an abstract quality or concept that exists in isolation. For instance, let us consider a ball. A ball has qualities, such as roundness, toughness, its colour, weight, and so on. If we take the property of roundness and consider it in isolation, we are looking at the Form of roundness, of which the roundness of the ball, and of every other round objects, is the imitation, which is not perfect. Similarly, the toughness of the ball, and of every other tough objects, is the imitation of the Form of toughness and so on. One must not confuse the Form with the idea one has in one's mind, for instance the Form of roundness must not be confused with the idea of roundness, for, according to Plato, the former has an independent existence, while the latter does not.

A Form differs from a material object, i.e. its imperfect imitation in two different ways. First, a form is transcendent, i.e. it exists beyond space and time, but a physical objects such as a table exists in a specific time and at a specific place. And because Forms are transcendent, they do not change unlike a physical object. Second, the Forms are pure, i.e. they are pure properties or concepts separated from all other properties or concepts or ideas. For instance, a ball has many properties, and it is a combination of all of these properties that makes it what it is. But a Form of, say, roundness exists by itself, separated from every other properties or concepts. A Form of roundness is simply the pure and perfect roundness, which has no other properties except of being round.

Plato's metaphysical world holds that the physical objects or things are related to the Forms through resemblance. Which means that the latter is the ideal standard or the perfect models for everything that is there in the physical objects. In other words, the material or physical world resembles the more real world of Forms, for the former is the imperfect copy of the latter. Thus, according to Plato, it is the world of Forms that is more real than what we consider as the real world. Plato uses metaphors and allegories to explain this world of Forms and its relation to his theory

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of knowledge in his most famous dialogue *Republic*, but more of that we will see later.

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So far, we have seen that knowledge is the recollection of what soul has already known before it incarnation, and what it has known is the knowledge of Forms. But we still have not arrived at the nature of knowledge, i.e. what should be called knowledge? or in other words properties of knowledge. Before we go ahead and look at what knowledge is, let us look at what, according to Plato, knowledge is not.

CHECK YOUR PROGRESS

1. Where does Plato discuss about knowledge?
2. How does the question of rebirth arise in Plato's theory?
3. In *Phaedo*, what kind of recollection is Plato talking about?
4. What are the features of knowledge according to Plato?

1.2.2 What Knowledge is Not

Plato's dialogue *Theaetetus* is solely concerned with the question 'what is knowledge?' In spite of answering the question it ends up explaining what knowledge is not. The dialogue ends up inconclusively without answering the question, but in spite of this lack, the dialogue is important in the way that it dispels various misconceptions about what knowledge is, and offers a very detailed and logical account of what all cannot be considered as knowledge.

1. Knowledge is not various arts and sciences

Theatetus' first answer to Socrates' question: 'What is knowledge?' is the list of subjects that one can learn, namely geometry, arithmetic, and so on. Socrates rightly responds that Theatetus was asked not regarding the objects of knowledge nor was it regarding types of knowledge, but what the thing in itself is, i.e. what knowledge in itself is. To put it in other words: what is the nature of knowledge.

Socrates offers an example of clay. When one is asked: what is clay?, the answer should not be potter's clay or craftsman's clay or doll maker's clay, the answer should simply be moistened earth. But Theatetus feels not very confident in applying this simple method to the definition of knowledge, for he feels that it is much more difficult to define the nature of knowledge than to define the nature of mathematical objects.

The problem with Theatetus' answer is that he listed arts and sciences of which there is knowledge, i.e. he gave examples of the kinds of knowledge, for instance cobblery is the knowledge of the art of making shoes, and therefore, cobblery cannot be offered as answer to the question: What is knowledge?, for if one no conception of what knowledge is, one cannot possibly know what cobblery is or any

other art or sciences is. What Socrates is looking for is one thing that is common to all kinds of knowledge, in other words he is interested in the nature of knowledge, in defining the thing itself.

2. Knowledge is not perception

Theatetus, after being encouraged by Socrates to try again to explain what knowledge is, comes up with the explanation that knowledge is perception, for one who knows something actually perceives the thing he knows, and thus the explanation. Socrates appreciates the form of Theatetus' answer and proposes to examine it.

The word *aesthesis* which is translated as perception has a wide range of meaning, which includes not only awareness of external objects (sight, hearing, and smell) but also one's awareness of feelings, sensations, and emotions. Theatetus words, 'one who knows something is perceiving the things he knows', suggest that he is limiting the meaning of the word perception only to the awareness of external objects. And Socrates' examination of Theatetus' explanation further narrows down the meaning of the word to the perception of the external objects. It should also be noted that the only mode of perception analysed by Socrates is vision.

Socrates first equates Theatetus's definition with Protagoras' account that 'man is the measure of all things: of the things that are, that they are, of the things that are not, that they are not', which means that an individual is the measure of the way things appear to that individual. Which further means that what one perceives to be the case is the case for him. This implies that perception is infallible and of what *is* or of something which is real. These are the two marks of knowledge which anything claiming to be the knowledge must always possess. Socrates uses two theses to bring together the effects of the identity of knowledge and perception:

- (i) Interpreting Protagoras' hypothesis as the way things appear to someone is the way things are for that individual (for instance, if wind appears cold to someone, then it is cold for that person).
- (ii) Equating A appears B to X with X perceives A as B (for instance, wind appears cold to someone with someone perceives wind as cold).

It should be kept in mind that Socrates has not yet begun to criticize the theory that knowledge is perception, he simply is trying to show the full implication of the theory, or in other words trying to expand it to its fullest. He next uses Heraclitean thesis of Radical flux, i.e. everything is in motion and in the constant mode of changing, and that everything that we speak of having being is always in process of becoming. He attributes this thesis to Protagoras and claims it to be his secret doctrine. The thesis of radical flux makes every percept to be unique, for if everything is always changing, then no two events of perception can be same. Socrates uses the metaphor of parents giving birth to twin offspring to explain that according to the theory of Radical Flux there can never be conflict between two perceptions, and that no one can ever refute the perceptual judgment of anyone else, for every perception then would be the result of interaction between constantly changing perceiving subjects and the constantly changing objects which are to be perceived.

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It should be kept in mind that even though it is important for Plato to use the theory of perceptual relativism in order to integrate Protagorean thesis with Theatetus' definition of knowledge, Protagorean thesis of man-as-measure is not limited to mere sensory perception and is much wider in its scope.

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After bringing to light that full meaning of Theatetus' statement that 'perception is knowledge', after equating it with Protagorean theory that man is the measure of all things (if perception is knowledge and perception of same thing can be different for different individuals then without the Protagorus' dictum the statement that perception is knowledge will become invalid), and Heraclitus' theory that everything always is in flux (Plato assumes that Protagorus' theory takes Heraclitus' dictum as its basis), Socrates goes on to offer a severe criticism of the statement (perception is knowledge) using various arguments:

- Socrates argues that if every one's perception is true for him and is not inferior or superior to anyone else's perception; and if one is a judge of others perception and beliefs and if every one's perceptions and beliefs are true and right, then how can one person, say, Protagoras, be wiser than others. Thus, not all perception can be equally true and right, and if perception is not true, it cannot be knowledge.
- If knowledge is perception then anyone who perceives the utterance or written letters of a foreign language should have the knowledge of that utterance, which plainly is an impossibility.
- If perception is knowledge, then seeing or hearing is to know, for both are included in the meaning of perception. Now, when one sees something, one acquires its knowledge, and then he shuts his eyes, and still remembers it, but does not see it; and does not see it means does not know it, for seeing is knowing. Such a conclusion would be absurd and, therefore, knowledge and perception cannot be same.
- If perception and knowledge is the same thing then perceiving an object with one eye and not perceiving it by the other (by closing the other eye) would create a contradictory situation of knowing and not knowing the object.
- Socrates criticizes Protagorus' theory that all beliefs are true, and that there is no false belief in the following ways: Many believe that there is false belief, and if all beliefs are true there must be false belief. And even if all beliefs are not true, then also there must be false beliefs, thus in either case there is false belief, and therefore Protagorus' thesis that there is no false belief cannot be true.
- Socrates criticizes Protagorus' relativism by claiming that there is no possible way to apply his theory to judgements about the future.
- Socrates criticizes Heraclitean theory that everything is always in the state of becoming by claiming that if the theory is true then no stable or true statement could ever be made about these things, and therefore there could not possibly be knowledge.

- Finally, Socrates refutes the theory that knowledge is not perception by claiming that there a range of concepts which the mind could not possibly have acquired through the senses, which means that there at least is a part of knowledge which has nothing to do with perception, and therefore knowledge cannot be perception.

3. Knowledge is not true judgement

Since judgement in the internal reasoning function of the soul, Theatetus introduces true judgement as knowledge. Socrates holds that one cannot know what ‘true judgement’ is without knowing about false judgement. Socrates offers five different ways in which false judgement can take place: misidentification, i.e. identification of one thing with another; believing what is not; other-judgement, i.e. ‘when a man, in place of one of the things that are, has substituted in his thought another of the things that are and asserts that it is’; inappropriate connection between perception and memory—the mind functions as wax tablet; and finally the mind functions as aviary.

Socrates then shows how above mentioned ways cannot possibly induce false judgement:

- Misidentification, i.e. identification of one thing with another occurs only when an individual is able to have thoughts about both the things, say x and y, and the individual can have thoughts about x and y only when he is aware of x and y, and if he is aware then he knows x and y, and if he knows x and y, then he cannot possibly mistake x for y or vice versa.
- Believing what is not cannot be false belief because ‘what is not’ is nothing, and there cannot be any beliefs about nothing, but we know that there are false beliefs, and therefore false beliefs cannot be same as believing what is not.
- The third way is somewhat obscure. Socrates says: ‘when a man, in place of one of the things that are, has substituted in his thought another of the things that are and asserts that it is. In this way, he is always judging something which is, but judges one thing in place of another; and having missed the thing which was the object of his consideration, he might fairly be called one who judges falsely’. The best way to understand this with the notion of inadvertency. But Socrates claims that it hardly helps us understand the false judgement, for thought is inner process whose objects we are fully conscious of, and if we are always and fully conscious of the objects of thought then inadvertency is simply not possible, and without the notion of inadvertency the third proposal shrinks back to the first, which has already been proven inadequate.
- In the mind as wax tablet theory, Socrates invites Theatetus to imagine mind as a wax tablet on which imprints are made of everything that we perceive or conceive. False judgement or belief happens when we equate wrong impression with perception, i.e. we relate what we perceive to the inappropriate memory. Theatetus accepts this proposal, but Socrates refutes it on the basis that it can lead to the confusion of unperceived concepts, such as that of the numbers.

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- The fifth proposal attempts to offer the solution of problem posed by the fourth problem, but Socrates refutes it too. Socrates invites Theatetus to imagine mind as an aviary full of birds of different kinds, which are knowledge. To give a bird to someone is to teach, to catch the bird is to recall and know it, and to fill the aviary with birds is to learn. It is possible that a man enters this aviary to catch one bird and catches another, thus causing the possibility of false belief or judgement. But Socrates refutes this for it attempts to explain false beliefs as the interchange of the pieces of knowledge. Theatetus suggests stocking of ignorance in the aviary, and Socrates explains that it would still not explain false belief or judgement because the man catching the piece of ignorance would believe that he has caught knowledge, and would act accordingly.

After having refuted all the ways of explaining the false judgement, Socrates claims that they failed because they have not yet defined the nature of knowledge. Theatetus repeats his earlier proposition that true judgement is knowledge, and Socrates finally refutes it by offering following argument. Lets imagine that the member of jury justly acquit an accused based on the argument of a skilled lawyer, which means they made true judgement based on argument and not on knowledge, therefore true judgement cannot be same as knowledge.

4. Knowledge is not true judgement with an ‘account’

After begin refuted once more, Theatetus proposes what he once heard that knowledge is true judgement with an ‘account’ i.e. ‘logos’, and then adds that only that can be known which has ‘logos’. He does not remember any further and Socrates helps him by telling him Dream theory which has in his mind.

Dream theory proposes that complexes and their elements compose this world. Complexes are accompanied by Logos, while elements are not. Element do not have being and, therefore, cannot be known, but they can be perceived. Complexes, on the other hand, can be known and perceived.

Theatetus accepts that it is this theory that he had in his mind. And Socrates proceeds to examine the theory. By citing the example of letter and syllables he shows the problematic aspect of the theory. The ‘logos’ of syllable ‘so’ would be elements ‘s’ and ‘o’, but similarly one cannot offer the ‘logos’ of ‘s’ and ‘o’ for they are just sounds. There it is not possible for a complex of unknown elements to be knowledge, for if the sum of elements is complex, then the knowledge of complex depends on the knowledge of its elements, which is not possible according to the theory; and if the collocation of elements produces a complex as a single form, it still be undefinable.

In order to examine three-fourth definition offered by Theatetus, Socrates goes on to examine the meaning of ‘logos’, and offers three definitions of the term:

- To make ‘one’s thought apparent vocally by means of words and verbal expressions’. This definition is problematic, for it implies that everyone with true belief can do it and thus have knowledge.

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- To enumerate all the elements of the thing of which the account is to be given. This definition is also problematic for it entails an account of something is simply the listing of its elements, for instance an account of a name would be listing of its syllables. Socrates says it is same as someone listing the parts of wagon when asked what a wagon is, which would be absurd.
- To give an account would be ‘to tell some mark by which the object you are asked about differs from all other things’. For instance, an account of sun can be given as the brightest of celestial bodies that circles the earth. But this definition is also problematic as it refutes the hypothesis that knowledge is true judgement with Logos. If someone is asked what differentiates one man, of whom we have true judgement, from everything else, the answer would not help in distinguishing the man from everyone else. But if the means of distinguishing was not already there, one would not be able to recognize that man when he is next seen.

Thus, Socrates proves that addition of Logos to the true judgement does explain the nature of knowledge, and therefore is meaningless. And also to say that Logos is the knowledge of difference is problematic, for it implies that knowledge is true judgement accompanied by the knowledge of difference, which further begs the question: what is knowledge?

The dialogues ends here as Theatetus has nothing more to add. It is interesting to note that Plato does not evoke his theory of forms in *Theatetus*, especially because it was composed after *Republic* and *Phaedo* in which Plato had already expounded the theory of Forms. This could mean that either he had lost faith in the theory of Forms or it was a well calculated move on his part to show that without considering the Forms it is impossible to explain the nature of knowledge.

Let us now look at the how Plato defines knowledge while considering the theory of Forms in his most famous dialogue *Republic*.

1.2.3 Idea of Knowledge in *Republic*

In *Republic*, Book V, Plato through Socrates once again evokes the concepts of form, and then goes on to talk about the difference between knowledge and opinion. It is true that in this argument, Socrates does not explicitly mentions the idea of forms, but indirectly he is arguing for its existence. The argument implies that no ordinary experience can lead to knowledge, and that if at all knowledge is possible then it must have forms as its object, and therefore, the nature of forms is the same thing as the nature of knowledge.

The argument can be summaries as follows:

Knowledge is always of what is, and ignorance is always of what is not. Opinion is fallible and knowledge is infallible, therefore, opinion is not as same as knowledge. As knowledge enables us to know, opinion enables us to opine, therefore, both opinion and knowledge are power. And since both are power, they must be identical if and only if their objects are same, and the objects of opinion and knowledge are not same, for opinion is darker than knowledge but is clearer than what we call

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ignorance, which means that the object of opinion is something that is between the object of knowledge and object of ignorance, and therefore between what is and what is not. In the earlier argument in the same book, Socrates has already proven that Form of X is always X. It is also true that things which are beautiful are also ugly, which are short are also tall, and so on. This entails that a particular thing X is both X and non-X. Thus, a particular thing is at the same time both is and is not, where as we already know that the form of a thing is always *is*. And since, knowledge is always of what is, the form is the object of knowledge while a particular thing is the object of opinion.

The extension of the same argument also proves that no knowledge is possible because of the sense perception of physical things. Knowledge of a thing X is only possible when X is always X. And we have seen earlier that an individual thing X is both X and non-X at the same time, and therefore no knowledge is possible of an individual thing X.

CHECK YOUR PROGRESS

5. Enumerate the points Plato considered were not knowledge?
6. What is the main argument of Plato about knowledge in the Republic?

1.2.4 Plato's Communism

Plato's communism opened the practicality regarding human nature and the ruling governance virtues. Virtue and principle should be affected while running the government. No doubt, it sounds bizarre, but this is true, in all accounts. Precisely on that assumption, it is essential that communism should have a better place and not be allowed to mix with the common understanding with the common citizens. Running the administration requires great skill and wisdom. General copulating might not produce the desired generation to rule the country, hence communism.

Nevertheless, Plato claims, the just state is one ruled by philosophers. It clearly cannot exist unless desire is eliminated in the ruling stratum. He, therefore, called for two kinds of communism within one frame of a communal life for the guardians.

The guardians would live in communes. They will not marry. Instead, they will mix freely with women. Their children will not know their father as the guardians will not know their children. Children will be taken care of in the commune by the state. This will stop the guardians from favouring their kin. Similarly, they will not have private property. They will be free from all worldly temptations.

It must be remembered that Plato's communism applies only to the ruling elite, not to the vast majority of the population. The artisans will be allowed to own private property and to have families. Moreover, there is no relationship between Plato's communism and its contemporary meaning. Plato was not an ancient Karl Marx. Plato proposes an ascetic communism, the purpose of which is to remove objects of desire, not to distribute them more equitably.

1.2.5 Plato's Theory of Education

It is Plato's educational system, however, that is most important in maintaining the rule of philosophers. It is through education, Plato claims, that the future rulers will come to recognize that the desire for power and pleasure is not the basis of political or individual happiness and fulfilment. Since Plato's educational philosophy illuminates the whole of his political theory, we must analyse it in some depth.

Plato expresses his thoughts and ideas regarding education in two of his dialogues in the name of Socrates, his teacher, namely *The Republic* and *The Laws*. In *The Republic*, Plato, with the idea of a perfect state in mind, offers two accounts of education. His first educational theory is expressed with the formation of guards, the role of whose is to defend the city, in mind and has two arts which were valued highly by the Greeks, namely music, including poetry, and gymnastics, at its root. And his second educational account is regarding the education of the philosopher king.

First Account of Education

It is Plato's educational system, however, that is most important in maintaining the rule of philosophers. It is through education, Plato claims, that the future rulers will come to recognize that the desire for power and pleasure is not the basis of political or individual happiness and fulfilment. Since Plato's educational philosophy illuminates the whole of his political theory, we must analyse it in some depth.

Plato argues that education should begin at a young age with the learning of basic skills such as reading, writing, recitation, and so on. His proposed programme of studies is not markedly different from what actually existed. Plato does advocate one major reform— censorship of poetry, and particularly that of the great epic poet Homer. His reason is that people took from the poets what they thought to be sound ethical knowledge when, in fact, says Plato, the poets are not different from the Sophists. They teach people opinions of what is true, not genuine knowledge. Besides, he complains, they present unacceptable models of human behaviour. Both heroes and gods frequently act unjustly, if not downright basically, in the epic poems. It would be inappropriate, Plato argues, for potential rulers to be influenced by such models at a young and impressionable age. How, he asks are they to become just rulers if their literature exposes them to acts of injustice?

In addition, Plato points out that poetry appeals to the emotions. Unless it is carefully censored it will lead the young guardians astray. Instead of learning to control their lives rationally, they will become subject to their passions. Plato is a classicist; he believes that art should reflect order and harmony so that the same order and harmony will begin to be reflected in the lives of those exposed to it. He is opposed to romanticism, to art that simply appeals to feeling and emotion and that he believes thereby disorders the soul. For this reason, Plato concludes that we must not only compel our poets to make their poetry and express image of noble character, we must also supervise craftsmen of every kind and forbid them to leave the stamp of baseness, meanness and unseemliness, on painting and sculpture, or building, or any other work of their hands. Anyone who cannot obey shall not practise his art in the commonwealth.

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Socrates proposes in the first account that the aim of education should be to control the guards and curb their tendency to rule and convert them into what he calls 'noble puppies', who can fight fiercely with the enemies, and behave gently with those who are familiar to them. He suggests that the character of guards must be shaped with education in two arts which the Greeks valued very highly, namely music and gymnastics. Education in music for the enrichment of their soul, and learning in gymnastics for the development of their bodies. The kind of education that Socrates has in mind for the guards, i.e. the military class of his ideal state is indeed moral in nature. And, therefore, the emphasis of the education here is not on the development of logical and critical faculty but on the shaping their mind to follow and accept.

According to Socrates, the nature of those who are chosen for the education for being guardians must be 'philosophic, spirited, swift, and strong'. He suggests that the guardians must be able to distinguish between familiar and foreign by the use of 'knowledge and ignorance'. Which means that they approve of only what is familiar to them, and consider everything new as their enemy.

Education of the guards in music (which also includes speeches and poetry) begins at the very young age, for it is in these years that people are most susceptible to being influenced. The tragic and epic poetry must be heavily censored, for it contains themes such as revenge, which Socrates considers unworthy. Such poetry can be fatal for the moral development of the military class of the state. The tales that are told at the very young age must also be censored, for young children can absorb everything that they are exposed to: 'A young thing can't judge what is hidden sense and what is not; but what he takes into his opinions at that age has a tendency to become hard to eradicate and unchangeable'. Through the narration carefully composed, fit for the education of young children, mothers and nurses will be able to shape and nourish the souls of these children.

The tales should be composed and carefully constructed to impart virtue and knowledge of certain theology. Socrates does not offer examples of what kinds of tales should be appropriate for children, but attacks poets like Homer and Hesiod and deems the tales of these poets as inappropriate and bad lies. Gods must always be just in the tales, or the children will think it proper to do injustice. They should not be told tales which include fighting amongst the gods or people between themselves. This will teach them the importance of unity.

Socrates considers those tales as good which are capable of fostering courage, moderation, and justice. Education of the children should be such that they should grow up fearing slavery and not death. What is interesting is that though Socrates mentions courage, moderation and justice as important values that the children should learn, he does not mention wisdom. Absence of wisdom in education of the military class whose sole responsibility is to defend the state suggests that Plato does not want their rational and critical faculty to develop, after all they are supposed to be like 'noble puppies', fierce and yet be able to follow what they are ordered and not question it.

Another important education that is important for those who are to become the defenders of the state is the education of gymnastics. Instead of recommending a complicated gymnastic routine, Socrates recommends moderate eating and drinking, along with a simple routine of physical exercise, which according to him will ensure a healthy and fit body. Socrates emphasises that proper education in gymnastic will not only prevent illness but will also reduce the use of medicine in the city, which according to him should not be used for keeping those alive who are useless.

The moral education that Socrates prescribes for the military class, the defender of the state, is supposed to develop their ability to distinguish between good and bad, without ever being exposed to what is bad.

There is no doubt that music is the most significant in the education of the defender guards, but for their moral development it is important to maintain equilibrium between music and gymnastics, for a completely gymnastics education can potentially transform the guards into savages, and a complete musical education will make them soft, that is why it is important to balance the education of the two arts.

Second Account of Education

After expounding the details of his ideal state, Socrates acknowledges that the ruler of his state should be philosopher kings. He also admits that the account of education that he gave earlier in the dialogue regarding the education of the military guard was not adequate for the philosopher-kings. The quick and fiery natures of music are not stable for developing courage during the situation of war, and the brave nature that can be trusted during the war are not reliable intellectually and critically, and therefore, it is important that the philosopher-kings should receive a special kind of education which will refine and develop their philosophical nature. But this does not mean that the philosopher kings should not receive education in gymnastics: 'It must also be given gymnastics in many studies to see whether it will be able to bear the greatest studies, or whether it will turn out to be a coward.' Thus, it appears that the education, as illustrated in the first account, serves to be a test for the philosophising nature of the students, and once identified as a suitable candidates, the education of the philosopher-kings will develop and strengthen their philosophizing natures. Unlike the education of the guards, the education of the philosopher-kings would teach the students the true love of learning and will make them philosophers instead to transforming them into 'noble puppies'.

The aim of philosopher kings' education is not the attainment of four virtues, but the knowledge of good, which is considered as the ultimate virtue by Socrates. The importance of this knowledge can be understood by the fact that without it, the attainment of the other four virtues is impossible. The idea of good is the supreme of all. Socrates distinguishes between having opinions about good, and having its knowledge. The former is not sufficient and therefore, the latter is needed: 'When it comes to good things, no one is satisfied with what is opined to be so but each seeks the things that are.' This puts the education of the philosopher kings in sharp contrast with the education of the guards, who were trained and educated to have correct opinions. Unlike the first account of education, this education is more philosophical in the sense that it aims directly for true knowledge.

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Socrates uses his famous sun analogy to explain something that is similar to good. As sun makes it possible for our eyes to see things, the good makes it possible for the intellect of the person to know. Thus, it is good that makes the knowledge possible. It is the idea of good that 'provides the truth to the thing known and gives the power to the one who knows'. The idea of good is not only responsible for the human faculty of reason, but also for one's very 'existence and being'.

Socrates uses his famous cave analogy to explain how education can be used to possess the knowledge of good. Socrates evokes an image of a cave in which some prisoners are chained in such a way that they can only see the wall they are facing and nothing else. Behind the prisoner there is a puppeteer who casts the shadows of figurines on the wall. The prisoners can only see the shadows and for them these shadows are the only reality, but what they perceive is not the complete reality, only a small segment of it. It is clear that this new education is meant to free the prisoners and make them aware of the reality beyond their perceived reality of the cave. In order to show why philosophical education is not readily accepted and the way in which such education is enlightening, Socrates develops his analogy further.

What happens when one of the prisoners is able to escape the cave and go outside? At first, the foreign sights will hurt his eyes, and he would resist the thought that what he used to consider reality was only a fragment of it. His eyes, which are accustomed to the darkness of the cave, will be blinded by the light of the sun. He would, of course, want to go back to his familiar environment. But if somehow someone is able to take him 'away from there by force along the rough, steep, upward way, and didn't let him go before he had dragged him out into the light of the sun', his eyes would eventually adjust to his new surroundings, and slowly he would begin to perceive the new reality. Once he is fully aware of the new reality, he would never want to go back to the darkness of the cave. But, somehow if he tries to go back to the cave only to help the other prisoners, they will call him disillusioned, for they are still limited to the perceived reality of the cave. Through this powerful allegory Socrates explains that the good is beyond the reality of perception, but once its knowledge is acquired, it becomes the 'cause of all that is right and fair in everything', and therefore, the ruler of the ideal state must possess its knowledge and understanding.

For the philosopher kings, Socrates envisions an education that would teach them to utilize their capacity of knowledge, for it is always within a man's soul: 'Education is not what the professions of certain men assert it to be. They presumably assert that they put into the soul knowledge that isn't in it, as though they were putting sight into blind eyes... but the present argument, on the other hand... indicates that this power is in the soul of each and that the instrument with which each learns—just as an eye is not able to turn toward the light from the dark without the whole body—must be turned around from that which is *coming into being* together with the whole soul until it is able to endure looking at that which *is* and the brightest part of that which *is*.'

Socrates asserts that the ruler of his ideal state cannot be the prisoners of the cave. They cannot also be the philosophers who choose to never again go back to the cave once enlightened. The rulers must be those who escape the cave and receive the education of the good and then return to the cave to help the other prisoners.

Here Socrates acknowledges the limitations of his first account of education, for they are only helpful in teaching habits through examples. He includes the study of numbers, geometry, and cubes in his second account of education. The study of mathematics is both practically useful and intellectually stimulating. He also includes the study of complex concepts and the study of dialectic. The former would help the students to know and understand what is permanent, and the latter, through the use of questioning and answering, would help them to understand one's self and the depth of one's own knowledge, which would help them in identifying the good in both the world and oneself.

Like the education of the guards, the education of the philosopher kings also begins in the childhood. But unlike the former the latter is not compulsory, but is voluntary play: 'Don't use force in training the children in the studies, but rather play. In that way you can better discern what each is naturally directed towards.'

Education of gymnastic will be ceased at the age twenty. At the age of thirty, those students will be tested in dialectics, who will excel in their studies, and duties. The idea of the test will be to determine 'who is able to release himself from the eyes and the rest of sense and go to what which *is* in itself and accompanies truth.' Socrates realizes the danger of allowing the young students a free reign with dialectics, and cautions that it might tempt the students to rebel against the laws of the state and indulge in a more baser pursuits. But if the art of dialectic is used by the educated older men, they will 'discuss and consider the truth rather than the one who plays and contradicts for the sake of the game'. At the age of thirty-five, those who have excelled in the art study of dialectics, will hold offices in the cave, and the same process will continue. And finally when they have reached the age of fifty, those who have performed best in everything will know the good and will govern the city. 'And, lifting up the brilliant beams of their souls, they must be compelled to look toward that which provides light for everything. Once they see the good itself, they must be compelled, each in his turn, to use it as a pattern for ordering city, private men, and themselves for the rest of their lives. For the most part, each one spends his time in philosophy, but when his turn comes, he drudges in politics and rules for the city's sake, not as though he were doing a thing that is fine, but one that is necessary. And thus, always educating other like men and leaving them behind in their place as guardians of the city, they go off to the Isles of the Blessed and dwell'

1.2.6 Education in *The Laws*

The Laws is perhaps the last dialogue written by Plato. In this dialogue the ideal state is called the city of Magnetes or Magnesia. In Magnesia the written laws are most important, unlike the ideal city of the *The Republic* where the words of the philosopher-king is the best representation of the law, because of the educational

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value of content. Respect towards the law should be there not because of the fear but because of the realization of the role of the citizen in social development. Plato, in this dialogue considers God as the transcendental foundation of every law: God is the 'norm of the norms, the measure of the measures'. What was the idea of good in *The Republic* is God's mind in *The Laws*. Plato asserts that like a good fountain always gives out good water, the God always does what is fair. He is the one who maintains the pedagogical relationship with men, and therefore, is 'universal pedagogue'.

In *The Laws*, Plato is not concerned with who will be fit to rule and govern the state after receiving education, but is concerned with the number of people that education will transform as patriots. And for this very reason the argument of the dialogue is for the public character of the education, which is only possible when it is imparted in the public building designed especially for that purposes. There should not be any discrimination in education based on the gender of the student, and the process of education must begin quite early in the life of the student. Plato argued for education in dancing, wrestling, riding and archery for both boys and girls. Children should play games which can help them channel their energy and resources towards the activities which they might engage with in their future adult lives. Plato considered the games of the children as something very important: 'No one in the state has rally grasped that children's games affect legislation so crucially as to determine whether the laws that are passed will survive or not.' He considered change as something immensely dangerous, even in games of the children, without one exception, evil.

Because education is an important factor in the formation of citizens, there should be someone to supervise it. Plato suggests an education minister, who should not be more than fifty years old and should be well qualified. This minister should be elected through secrete voting, but the thus elected candidate cannot be the member of Nocturnal Council, which is above the various levels of servers the responsibility of which is to carry out administration of the state. The primary responsibilities of the council are:

- To promote and develop the philosophical studies so that the citizens develop a proper understanding of laws of the state.
- To develop and improve the laws of the state through the exchange with the philosophers of the other cities.
- To ensure the awareness of the philosophical and legal principles among the citizen of the state.

Many scholars and commentators think that in spite of being surprising in some of its aspects, the educational theories presented in *The Laws* are not very different from the educational account of *The Republic*, which to an extent is true.

CHECK YOUR PROGRESS

7. What does Plato's first account of education state?
8. What are the main elements of education for a state guard?
9. What is the aim of education for a philosopher king?
10. What example does Plato's Socrates use to explain the utility of education for possessing the knowledge of good?
11. What does *The Laws* emphasise on?

NOTES**1.3 ARISTOTLE**

Aristotle's works are divided into logic, physical works, psychological works, philosophical works and works on natural history. The Peripatetic school of philosophy groups Aristotle's writings on 'logic' under the title '*Organon*', which means instrument because they considered logic to be the chief instrument for scientific investigation. However, Aristotle considered 'logic' to be the same as verbal reasoning. He believed that to gain knowledge of an object, people ask certain questions, and he classified words into substance, quantity, quality, relation, place, time, situation, condition, action and passion, arranged in the order in which the questions are asked. Obviously, 'substance' is considered most important including individual objects and the species to which these objects belong.

In his works on philosophy Aristotle first traces the history of philosophy. He believed that philosophy grew as a result of wonder and curiosity which were not fully satisfied by religious myths. At first there were only philosophers of nature such as Thales and Anaximenes who were succeeded by Pythagoreans with mathematical abstractions. Pure thought was partly a contribution of Eleatic philosophers such as Parmenides and Anaxagoras. However, the complete level of pure thought was reached in the works of Socrates. Socrates was able to express general concepts in the form of definitions. Aristotle was of the opinion that metaphysics dealt with the early principles of scientific knowledge and the final conditions of all existence. It was concerned with existence in its basic state. In contrast, mathematics dealt with existence in the form of lines, angles, etc.

In his works on psychology, Aristotle defined the soul as the expression or realization of a natural body. He accepted the existence of a relationship between psychological states and physiological processes. He regarded the soul or mind as the truth of the body and not as the outcome of its physiological conditions.

The activities of the soul are manifested in specific faculties or parts corresponding with the stages of biological development: nutritional faculties (characteristic of plants); movement-related faculties (characteristic of animals) and faculties of reason (characteristic of humans).

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Aristotle viewed ethics as an attempt to find out the highest good or the final purpose or end. Most ends of life merely help us to achieve other ends, there is always some final goal or pursuit that we aspire for or desire. Such an end is usually happiness, which must be based on human nature, and must originate from personal experience. Thus, happiness must be something practical and human, and should exist in the work and life which is unique to humans. It lies in the active life of a rational human being or in a perfect realization and outworking of the true soul and self, throughout a lifetime.

Aristotle on Constitutions

According to Aristotle, the moral ideal in political administration is merely a different aspect of what is applicable to individual happiness.

Humans are social beings, and the ability to speak rationally results in social union. The state is developed from the family through the village community, which is just a branch of the family. Although originally formed to satisfy natural wants, the state exists for moral ends and also to promote higher life. The state is a genuine moral organization that advances the development of humans.

He defines a Constitution as the arrangement of magistracies, that is, the way power is exercised in the government by officials and legislators. He also calls a limited government the constitution. It only shows his preference for limited government.

1.3.1 Philosophical Method

Aristotle divides knowledge into practical, theoretical and productive knowledge. While theoretical knowledge is aimed at action, productive knowledge addresses daily needs. Practical knowledge deals with knowledge related to how to live and how to act. It is possible to lead a good life by making use of practical knowledge. Both ethics and politics are considered practical sciences and are concerned with human beings as moral agents. While ethics deals with how human beings act as individuals, politics deals with how human beings act in communities. However, Aristotle felt that both ethics and politics influence each other. According to him, abstract knowledge of ethics and politics is useless because practical knowledge is useful only if we act on it. Both should be practiced to attain goodness or to become good.

In his works, Aristotle mentions that it is not for a young man to study politics because he lacks experience. Also, he rightly states that youngsters act according to emotions instead of reason. Without reason it is impossible to act on practical knowledge; therefore, young students are not equipped to study politics. Very few possessed the practical experiences of life and the mental discipline to gain from a study of politics, which is why a very low percentage of the population in Athens was given the benefits of citizenship or political participation. Political and moral knowledge cannot possess the same level of precision or certainty as mathematics. For example, there cannot really be a fixed and accurate definition of 'justice'. However, many things in geometry or mathematics such as a point or an angle can be defined precisely. These definitions will not change either. This is probably why

Aristotle refrains from listing set rules to be followed for making ethical and political decisions. Instead, he expects readers of his works to become people who know what is the correct thing to do or the right manner to act in a situation when faced with it.

Ethics and politics are interlinked because of the ultimate purpose they serve. Human beings also have a purpose which they need to fulfil. This ultimate aim Aristotle feels is 'happiness'. However, happiness cannot be achieved without leading a life of virtue. A person who chooses to do a particular thing because he feels it is the right thing to do will lead a flourishing life. An individual can be happy and also possess a high degree of moral values only if he is placed in a political community that is well-constructed. A well-constructed political community will encourage and promote the right actions and ban the wrong ones and educate people about what is right and what is wrong. This is where the link between ethics and politics becomes clear.

1.3.2 Constitutions and Citizenship

Aristotle gives his general theory of citizenship in *Politics* III. He distinguishes citizens from other inhabitants, such as resident aliens, slaves, even children, seniors and ordinary workers. According to him a citizen is a person possessing the right to participate in 'deliberative or judicial office'. Citizens were those who had the right to be part of juries, the assembly, the council and other bodies as was the case in Athens, where the citizens were directly involved in governance. However, full citizenship was not given to women, slaves, foreigners, etc. The city-state according to Aristotle comprised several such citizens. He considered the constitution as a tool for organizing the various offices of the city-state. The governing body is defined by the constitution (comprising either the people in a democratic set-up or a chosen handful in an oligarchy).

The benefit that is common to all in forming a city-state is the attainment of noble life. Aristotle also states that an individual can rule over another in many ways depending on his own nature and the nature of the subject. The master-slave relationship represents despotic rule wherein the slaves cannot function without a natural master to instruct or direct them. It is a form of rule which exists primarily for the master and is only incidental for the slaves who are born without the skill of self-governance.

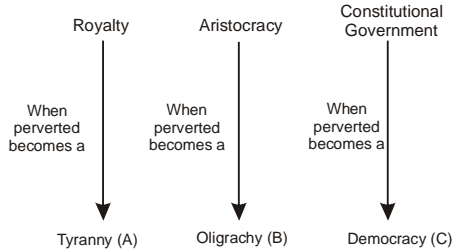
The second form of rule, paternal or marital, asserts that the male possesses more leadership qualities than the female. Similarly, children lack the ability to rationalize and cannot do without the supervision of adults. Aristotle firmly believed that paternal or marital rule was necessary for the sake of the women and children, a thought that was criticized by many modern thinkers. However, Aristotle was somewhat right in believing that the rule that benefitted both the ruler and the subject were just whereas the rule that was advantageous only to the ruler was unjust and inappropriate for the community consisting of free individuals. Going by this logic, the case of a single ruler is just if it is a kingship and unjust if it is a tyranny. Similarly, in case of a few rulers, aristocracy is just whereas oligarchy is certainly unjust. In case of several rulers, polity is correct while democracy was considered deviant by Aristotle.

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The different kinds of constitutions as described by Aristotle have been shown in Figure 1.1.

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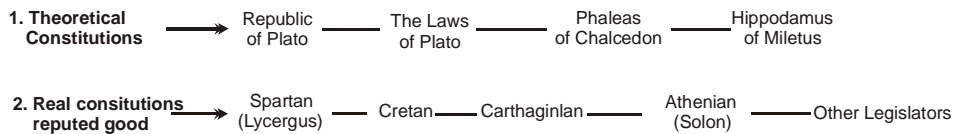
The true constitutions: aim for the common good



The perverted constitutions: aim for the well being of a part of the city (the tyrant, the wealthy or the indigent)

Constitutions and laws examined by Aristotle and his philosophical school

Two Types



The different constitutions sorted according to the number of those who participate to the magistracies

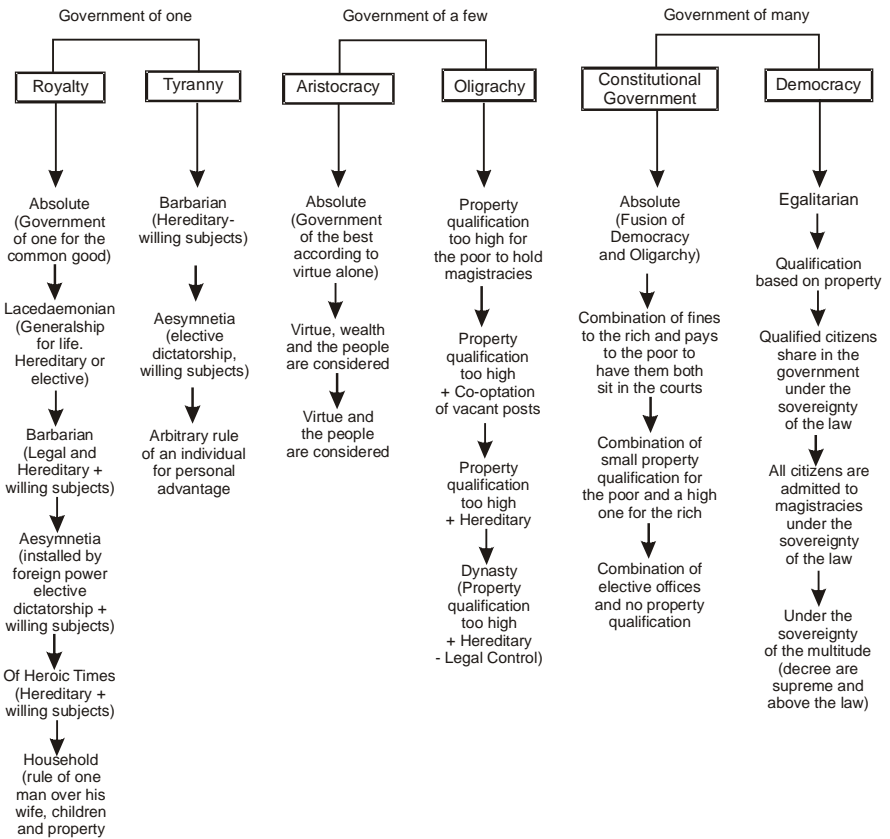


Fig. 1.1 Different Kinds of Constitutions as Described by Aristotle

According to Aristotle, the city-state is not a business enterprise concerned with wealth maximization. It is not an association promoting equality and liberty either. The city-state, in fact, attempts to achieve good life. Therefore, aristocracy, he felt, was the best option wherein political rights could be assigned to those who could make good use of it in the interest of the community. His ideal constitution comprised fully virtuous citizens.

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CHECK YOUR PROGRESS

12. What is ethics according to Aristotle?
13. Define constitution as stated by Aristotle?
14. Who is a citizen according to Aristotle?

1.3.3 Law and Justice

Usually rule of law is considered to be a specific form of government by scholars and statesmen alike. But in his *Politics*, Aristotle does not talk about rule of law as a type of regime or a form of political rule, instead he assumes it to be something common to every good regime or political rule. Which means that Aristotle does not take rule of law to be synonymous with a particular form of government but rather something which is shaped by the political rule. In Aristotle's political theory laws are the expression of what a political society considers to be justice. They are also the expression of the right to live and the way to shape the entire community for good.

In a political community or society then law is its authoritative voice of what is just and right. Which means that the relationship that justice shares with law is quite similar to the relationship that nature shares with convention, and also that truth shares with opinion. Aristotle holds that the justice is what law aims at, but law in itself is similar to opinion or *doxa* rather than to truth that nature holds to be the just.

The idea that justice is something natural, something that is found in the nature, follows quite naturally from the above argument. What does Aristotle mean by nature? The nature simple means the nature of things, especially that of man. Thus, it can be concluded that justice is not something that is to be imposed from the outside, instead it is something that is already there within the nature of thing, nature of man. Now, one can understand the Aristotle's idea of law from the perspective of justice by taking law as an opinion of the just which is considered to be true by a given political society or city. Thus a political city assumes or thinks that what it considers to be law includes what nature considers to be true of justice. Having said that, it should be noted that law is not mere opinion, it is much more powerful than that, for it encompasses all beliefs and understanding that a political community holds to be true. These beliefs include the justification of the community of the particular way of existence and also its claim regarding its rule being the best type of

rule for the people that are its subjects. Thus, we can conclude that for Aristotle law of a political society is its authoritative opinion concerning what the community holds to just and unjust, and also what the society or, at least, the ruling class of the society considers to be true about the political society or community.

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Aristotle does not consider law as trans-political but as sub-political. It is true that laws can be found and is common to all regimes. But it also true that the laws of all regimes are not same, and the difference between the laws of different regimes depends on the difference between the regimes themselves, i.e. the difference depends on the type of regime to which the laws belong. Thus, the law is relative to the type of regime that it belongs to. In other words, the type of regime determines the type of law, for instance, the laws shaped by oligarchy will be different from the laws shaped by democracy. It is also true that laws of different democratic regimes will differ from each other, but it should be kept in mind that the laws of different democratic regimes will have much more in common that to the laws of tyranny or oligarchy or any other type of regime for that matter.

The argument that the nature of law depends on the type of regime it belongs to reminds one of the similar argument that Aristotle makes in the first book of *Politics* regarding households. He claims that nature of households in a political community will differ based on the type of regime of that specific community. Thus we see a relationship between laws and households as they both are relative to the type of regime they belong to.

Now it is possible for some to argue that the character and shape of a political community is determined by the laws and household and not the other way round. This argument is based on the fact that changes in laws and structures of households leads to the change in the type of regime. But this certainly does not mean that the laws are more authoritative than the regime, for it is the nature of regime that primarily dictates the nature of law. Moreover, change in the type of regime because of the change in the law simply suggests that those who are responsible for the change in the law hold a different view of justice than the view presented by the regime which the wish to change. Thus, it is the principle and the nature of new regime that they wish to achieve which leads them to change the laws and household structure to change the existing regime.

The next important point in Aristotle's idea of law is the rule of law and its relation to the rule of best man. In third book of *Politics*, Aristotle contemplates on the question- who should rule: law or best man? He begins the debate by presenting the question: "is it more advantageous to be ruled by best man or by the best laws?" Presenting the side of the rule of best man, Aristotle writes that laws only talk about what is universal and do not consider the specificity of situations and therefore using written laws to rule is similar to use a written set of instruction to treat person who is ill, while disregarding the specific situation and circumstances of the ill person. Moreover, laws are incapable of addressing the problems which arise from their implementation. Now, arguing from the side of the rule of law, he writes that "what is unaccompanied by the passionate element generally is superior to that in which it is innate." What he means by this is that the thing that has passion in it is usually

inferior to the thing that lacks passion, and laws do not have passion, but all humans do, and therefore the rule of law is superior to the rule of man.

A counter is made from the perspective of the rule of best man. The problem just stated is countered by the fact that the best man will be much more sophisticated in dealing with particulars of the situations. Aristotle mentions that the 'law must exist but they must not be authoritative', for the circumstances are not static, they change and the variation of the circumstances causes the variation in the judgement. From the side of the rule of best man it is argued that laws should be their but they should be subordinate to the best man, for he is best suited to deliberate and contemplate on the specificity of the circumstances. Laws are unable to change themselves, and change is required for the difference between right and wrong is determined by the circumstances, and if the law is not capable of altering itself, then there is a possibility that law might be in contradiction with what is right. In this sense the law supports what is unjust, and it is this unjustness that calls for the rule of best man.

From the perspective of the rule of law, Aristotle questions whether one person be asked to rule or all, given the limitation of the law. Thus he reveals that the perspective of the rule of law is also the perspective of the rule of all. Irrespective of the character of the best man, argues Aristotle the judgement of many is always superior to the judgement of one. One single person may be inferior to the best man, but a state is made up of many, and 'a crowd judges many matter better than a single person'. He further argues that one man is easily corruptible, while it is difficult to corrupt many at the same time. When one man is dominated by anger or some other powerful passion, his judgement is compromised, but it is difficult for many to become angry at the same time, and therefore the possibility of compromised judgement is far less in the case of many. He then goes on to draw a comparison between law and many, and states that both are difficult to corrupt than one man. Though it is not impossible for many to be corrupted, it is certainly difficult. He further argues, that the experiences tell us that the corrupt many are more dangerous than one single tyrant. And therefore, Aristotle limits the many by introducing law. He says that they (many) "must be free people acting in no way against the law, except in those cases where [the law] necessarily falls short." Arguing thus he properly replies to the objections made from the perspective of the rule of the best man. Normally many will rule as per the law, which means that rule of law will prevail, but in the situations where the law falls short, for instance in considering particularities of the situation, many will step in, and as already has been stated the judgement of many is better than the judgement of one. Aristotle's idea of the rule of many or the rule of law has three important points:

- (i) They (many) should be free
- (ii) They should be obedient to the law
- (iii) They should change the law only when it falls short

To counter the corruptibility of one man, the idea of faction is introduced which many are more susceptible to than one man. Aristotle does not directly deal with the problem of faction and instead argues very convincingly that to be ruled by many will be better than to be ruled by a single man. The side of rule of best man

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agrees, but argue that the rule of many can avoid forming factions only when they all are truly good. And since it is more probable for one man to be truly good than many men, therefore rule of one man is desirable.

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But if somehow there be a possibility of existing a group of good men, then it would set the ground for the formation of aristocracy. Thus it is suggested that the aristocracy (defined as the rule of many good men) is much more desirable than the choice of kingship, but the conditions of its formation is highly improbable.

Aristotle argues that the unwritten laws, i.e. customs, are more authoritative and superior to both rule of men and rule of law, for they are the combination of the deliberation of the rule of many over a long period of time. He further argues, that both customs and laws are the result of the judgement of many, and therefore, should be the guide for the rulers, who should be many in number. Aristotle admits that laws cannot possibly determine everything, but adds that everything that the law is capable of determining is commonly considered to be fairly done. He also admits that law cannot replace human deliberation, but then adds that such deliberations should not be done by one man, but many. He writes: “[e]very ruler judges if he has been educated by the law; and it would perhaps be held to be odd if someone should see better with two eyes, judge better with two ears, and act better with two feet and hands than many persons with many.” Aristotle thus establishes that the rule of law in hands of many is better than the rule of kingship or best man.

Justice

Aristotle’s gives the most detailed account of justice in the fifth book of *Nicomachean Ethics*. He starts the discussion of justice by talking about the way in which it relates to the nature of virtue:

We should look at justice and injustice: what kinds of actions are they concerned with, in what way is justice a mean, and what are the extremes between which it is a mean? Our method will be the same as that adopted in our previous inquiries; we should look at everyone who is willing to use the term ‘justice’ to describe the disposition whereby people act in this way. From what do their just actions spring – what makes them the kind of people who live justly and promote justice? We then proceed in the same way about injustice – its origins and how it motivates people to want what is unjust.

Aristotle distinguishes two kinds of justice—universal or general justice and particular justice. He defines the former as the whole of virtue, while the latter as a particular type of virtue of a character, which coordinate with virtues like liberality, courage, and so on. Also, all particular justice, like every virtue, is a part of universal justice.

The distinction between these two types of justices refers to the linguistic ambiguity of the term. Aristotle mentions that in Greek the adjective *unjust* means both one who breaks the law and one who is motivated by greed. Similarly, just could mean one who follows the law and one who is not greedy. And same is true for justice and injustice. He equates universal justice with lawfulness and particular justice with fairness or equality. Universal justice, as mentioned earlier, is of same state as virtue, for it is widely known that those who are virtuous follow law. But this

equation presupposes that all laws are based on virtue. He maintains that law aims to achieve the happiness of the people, and being virtuous is to be happy. Thus the when taken together the idea of universal justice, lawfulness, and virtue, the two important themes of Aristotle's moral and political philosophy comes to fore: the moral idea that one who acts virtuously is happy, and political idea that the aim of a political community is to promote the happiness of its people.

Particular justice relates to individual virtue of character. Aristotle defines particular injustice as taking more or less than what rightfully one's, and particular justice as the mean of the two. There are two kinds of particular justice - distributive justice and corrective or remedial justice. Aristotle defines the former as the justice which deals with the idea of fair distribution of things which can be distributed amongst the member of society, such as public office, material goods, money, honours, and so on. He defines the latter, i.e. corrective or redial justice, as one playing a rectifying part in the transactions that takes place between two men. These transactions are divided in two parts: voluntary and involuntary. Transactions such as sale, purchase comes under voluntary, for both the parties in the transaction are voluntarily involved. Things like criminal acts, such as theft, adultery, homicide, and so on are involuntary transaction for the involvement one party is involuntary.

Commenting on distributive justice, Aristotle explains that the aim of this justice is to distribute things in such a way that there should be no change in the relative position of the men after distribution, i.e. the things to distributed should always be distributed as per the merits of the individuals, while keeping in mind that in different types of states the standards of the merit of the individuals are different, and that it is quite possible to distribute things amongst those who are unequal.

The best way to understand distributive justice is to consider it as a geometrical proportion. Let us assume two men, A and B, who are equal in merit and two things, C and D, which are equal in value. Thus we have an equation - $A : B = C : D$. As per distributive justice C is given to A and D is given to B, thus the equation after the distribution is made is - $A + C : B + D = A : B$. Which means that relative position of A and B remains unchanged even after the distribution is made. In such cases justice then would be the mean between giving more or less to A or B than what is rightfully theirs as per their merit. Thus, distributive justice is that which maintains the proportion, and injustice is done when this proportion is violated. Thus a man who acts unjustly will have more that what is rightfully his, and the man to whom injustice is done will have less than what is rightfully his.

As mentioned earlier, corrective or remedial justice deals with both voluntary and involuntary transactions that takes place between men. When two individuals enter into a transaction voluntarily and damage is done to one of them, the judge's responsibility in this case is not to punish, but restore the equilibrium that was there before the transaction was made. The idea is to correct the wrong that has been done, irrespective of whether who is good or who is bad between the two. The law must treat both the individuals equally and undo the damage that has been done.

Terms such as gain and loss which are often used in cases of voluntary transaction, are also used in the cases of involuntary transactions, but Aristotle warns

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us that in the cases of involuntary transactions the use of these terms may be misleading. To understand the use of terms in the cases of involuntary transaction let us consider an example of a brawl in which one man stabs the other. The word 'gain' can be used for the man who has done the stabbing, while word 'loss' can be used for the man who has suffered injury or has been wounded because of stabbing. Just like the transaction of voluntary nature, the justice in involuntary transactions also seeks to restore the equilibrium. But since most of the involuntary transactions are acts of crime, it is important to consider the terms 'gain' and 'loss' in their widest possible meaning.

Aristotle's corrective justice can be understood in terms of arithmetical progression. Let us consider two individuals, A and B. After transaction, B is inflicted with an injury to the extent of C, which implies that the relationship between A and B is $A+C$, $B-C$. To undo the damage done to B, the judge will take C from A and give it to B, which then will give us new equation, $A + C - C = B - C + C$, which arrives at the arithmetic mean between the gain of A and loss of C, and thus restore the relative position of both the parties to as they were before the transaction.

Aristotle now begins to discuss the idea of reciprocity as justice, and associates this idea of justice with Pythagoreans, who define justice as doing things one, that he has done to other, i.e. the idea of an eye for an eye. Aristotle argues that the principle of reciprocity as defined by the Pythagoreans is oversimplified and contradicts the idea of distributive and remedial justice. In various situations the idea of reciprocity does seem to be similar to that of justice, for instance if a magistrate hits a man, he should not be hit back, but if a man hits a magistrate, he should not only be hit back but also punished.

But at the same time there are various scenarios in which the idea of reciprocity does work like justice, for instance dealings between men concerning economic exchanges, if reciprocity is understood as proportional reciprocity and not on the basis of equality.

Exchange of goods and services is an important function of society, but people will not exchange their goods or services unless they receive goods or services of equal value in return. To guide such transactions it is important to introduce the principle of proportional reciprocity, which considers the skill of the parties involved and the comparative value of their products. For instance, a shoe maker and a builder can only exchange their products, i.e. shoe and house, if there has been established an equality between the goods.

There are many impediments in such exchanges. For instance, someone wants the goods of another, but that another does not desire the goods offered to him by that someone, then no exchange can take place unless all goods and services can be measured against a standard of value. And thus comes the role of money in the society. Measured against money the fair exchange can now easily take place.

Aristotle then talks about political and domestic justice. He defines political justice as a form of justice which exists when a group of people lead a common way of life, which enables them to be self-sufficient, free and equal. Political justice

cannot exist if there is no rule of law, for it is the role of law to distinguish between what is just and what is unjust. The existence of law presupposes the existence of injustice, for if there is no such thing as injustice then there would never be any need of law. If a state is ruled by a man, he is more likely to tend to his own interests than the interests of other men, and that is why if the state is to be just, it should be ruled by law and the function of the rulers of the state is to be the guardian of the law.

He defines domestic justice as a form of justice that takes place in a domestic setting, for instance between father and son, and master and slave. Domestic justice differs from that of the political justice in that injustice of a father to his son or a master to his slave is relative, while the injustice of a ruler to the people is absolute. Aristotle says that because a son or a slave are dependent on a man, they are, in a way, his own part, and no one does deliberate injustice to himself, that is why it is really difficult to claim that one is do injustice to his son or slave. Aristotle deems the justice between husband and wife as the only true form domestic justice.

Aristotle comes back to the topic of political justice and classifies it in as natural and conventional justice. The former is defined as something which is unchangeable regardless of time and place. It remains unaffected by the circumstance and the perspective of men in different time periods. It consists of duties and rights that are of obligatory nature, for instance stricture against murder.

Conventional justice is defined as the justice which consists rights and duties which have been imposed by the law of the land. It is through common consent that the rules of conventional justice is composed, and they remain good only till they are not modified by common consent. As opposed to the rules of conventional justice the rules of natural justice are unchangeable; they are absolute. But it is possible that the rulers might modify or alter these rules in the day to day affairs. It is at times difficult to distinguish between rules of natural and conventional justices because of the possible variations and also because they tend to have adjacent existence.

Finally, Aristotle talks about the relationship between equity and justice. Though they are not identical, they are of the similar kind and are morally good. In one sense, what is just is equitable, but in another sense, what is just is inferior to what is equitable, for the principle of equity is used to refer to bring justice to the right path when it has deviated from its right path.

Usually laws are composed in the terms of universality. Which means that there always will be few particularities which will not be included in the general framework of law. The generalization is important for the function of law, but occasional errors are inevitable. When there are cases which do fit the general framework of law, the principle of equity is used to rectify the shortcomings of the law, while keeping the general will or intent of the legislator in mind. Thus equity can be defined as the correction of the law as per the rules of universal justice in the cases which fall outside the universality of the law.

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CHECK YOUR PROGRESS

15. What does Aristotle mean by rule of law?
16. Why is law related to the regime?
17. What are the types of justice Aristotle talk about?

1.4 SUMMARY

- Plato was the first political philosopher in the Western world who lived through the period of the Peloponnesian War.
- Plato’s political theory was intended to change the existing conditions, rather than merely creating an exercise in abstract thinking.
- The development of Plato’s theory of knowledge can be traced through his various dialogues, such as Meno, Phaedo, Republic, Theaetetus, and so on.
- For Plato, knowledge must be certain and infallible.
- In Meno, Plato, through Socrates, puts forth the idea that knowledge is a mere recollection of what a soul already knows before its incarnation.
- In Phaedo, Plato develops his theory of recollection, which paves the path for his theory of forms.
- Plato’s dialogue Theaetetus is solely concerned with the question ‘what is knowledge?’
- Since judgement in the internal reasoning function of the soul, Theaetetus introduces true judgement as knowledge.
- According to Plato’s communism, the guardians would live in communes. They will not marry. Instead, they will mix freely with women. Their children will not know their father as the guardians will not know their children.
- It must be remembered that Plato’s communism applies only to the ruling elite, not to the vast majority of the population.
- Plato claims it is through education that the future rulers will come to recognize that the desire for power and pleasure is not the basis of political or individual happiness and fulfilment.
- Plato argues that education should begin at a young age with the learning of basic skills such as reading, writing, recitation, and so on.
- In The Laws, Plato is not concerned with who will be fit to rule and govern the state after receiving education, but is concerned with the number of people that education will transform as patriots.
- Aristotle’s works are divided into logic, physical works, psychological works, philosophical works and works on natural history.

- Aristotle defined the soul as the expression or realization of a natural body.
- Aristotle viewed ethics as an attempt to find out the highest good or the final purpose or end.
- According to Aristotle, the moral ideal in political administration is merely a different aspect of what is applicable to individual happiness.
- He defines a Constitution as the arrangement of magistracies, that is, the way power is exercised in the government by official and legislators.
- Aristotle gives his general theory of citizenship in Politics III.
- The city-state according to Aristotle comprised several such citizens.
- In Aristotle's political theory laws are the expression of what a political society considers to be justice. They are also the expression of the right to live and the way to shape the entire community for good.
- The next important point in Aristotle's idea of law is the rule of law and its relation to the rule of best man.
- Aristotle distinguishes two kinds of justice—universal or general justice and particular justice. He defines the former as the whole of virtue, while the latter as a particular type of virtue of a character, which coordinate with virtues like liberality, courage, and so on.
- Aristotle defines particular injustice as taking more or less than what rightfully one's, and particular justice as the mean of the two.

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1.5 KEY TERMS

- **Western philosophy:** It is the philosophical thought and work of the Western or Occidental world.
- **Philosopher kings:** They are the rulers of Plato's Utopian Kallipolis.
- **Peripatetic school of philosophy:** It is a school of philosophy in ancient Greece, which was opened by Aristotle.
- **Political justice:** It is a form of justice which exists when a group of people lead a common way of life, which enables them to be self-sufficient, free and equal

1.6 ANSWERS TO 'CHECK YOUR PROGRESS'

1. Plato talks about knowledge in *Theaetetus*.
2. In *Meno*, Plato puts forth the idea that knowledge as a mere recollection of what a soul already knows before its incarnation. By asserting that the knowledge is a mere recollection, this theory also asserts the pre-existence of soul before birth.

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3. In *Phaedo*, Plato develops his theory of recollection, which paves the path for his theory of forms. He introduces this new development in the theory by considering the idea of association, which means that when a man perceives something, he is reminded of something else, which in his mind is associated with what he has perceived.
4. For Plato, knowledge must be certain and infallible. It must not vary based on opinions and circumstances.
5. Although Plato's dialogue *Theaetetus* tries to explain what is knowledge, it ends up explaining what knowledge is not. These points are the following:
 - (i) Knowledge is not various arts and sciences
 - (ii) Knowledge is not perception
 - (iii) Knowledge is not true judgement
 - (iv) Knowledge is not true judgement with an 'account'
6. The argument in the *Republic* implies that no ordinary experience can lead to knowledge, and that if at all knowledge is possible then it must have forms as its object, and therefore, the nature of forms is the same thing as the nature of knowledge.
7. Plato proposes in the first account that the aim of education should be to control the guards and curb their tendency to rule and convert them into what he calls 'noble puppies', who can fight fiercely with the enemies, and behave gently with those who are familiar to them.
8. Music and gymnastics are the two main elements of education for state guards.
9. The aim of philosopher kings' education is not the attainment of four virtues but the knowledge of good, which is considered as the ultimate virtue by Socrates.
10. Plato's Socrates uses his famous cave analogy to explain how education can be used to possess the knowledge of good.
11. *The Law* is concerned with the number of people that education will transform as patriots. And for this very reason the argument of the dialogue is for the public character of the education, which is only possible when it is imparted in the public building designed especially for that purposes.
12. Aristotle viewed ethics as an attempt to find out the highest good or the final purpose or end.
13. Aristotle defines a Constitution as the arrangement of magistracies, that is, the way power is exercised in the government by official and legislators. He also calls a limited government the constitution.
14. According to him a citizen is a person possessing the right to participate in 'deliberative or judicial office'. He distinguishes citizens from other inhabitants, such as resident aliens, slaves, even children, seniors and ordinary workers.
15. According to Aristotle, rule of law is not a type of regime or a form of political rule, instead he assumes it to be something common to every good regime or political rule.

16. Laws of all regimes are not same, and the difference between the laws of different regimes depends on the difference between the regimes themselves, i.e. the difference depends on the type of regime to which the laws belong. Thus, the law is relative to the type of regime that it belongs to.
17. Aristotle distinguishes two kinds of justice—universal or general justice and particular justice.

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1.7 QUESTIONS AND EXERCISES

Short-Answer Questions

1. What is the key essence of Plato's knowledge in *Meno*?
2. How does the idea of recollection in *Meno* differ from *Phaedo*?
3. What should be the purpose of education, according to Plato, for the state guards?
4. What kind of education, according to Plato, should a philosopher king receive?
5. How can education be used to acquire the knowledge of good?
6. How is the theory of education in *The Republic* and *The Laws* different?
7. Aristotle talks about different types of justices. What are they?
8. What are the benefits of a city-state?
9. Who does Aristotle consider a citizen?

Long-Answer Questions

1. How does the theory of knowledge develop in Plato's theses?
2. Plato says knowledge is something that the human soul already possesses. Do you agree that knowledge is not acquired?
3. How can you say that Plato does not talk about what is knowledge, but what knowledge is not about?
4. For whom did Plato prescribe communism?
5. Explain how education in music and gymnastics will build the characteristic of the guards in a state?
6. Why and how should education of a philosopher king be different from those of guards, according to Plato?
7. Explain Aristotle's view on constitution.
8. Explain Aristotle's concept of rule of law.
9. Particular justice relates to individual virtue of character. Explain.
10. How does Aristotle explain the concept of equity and justice?

1.8 FURTHER READING

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UNIT 2 MEDIEVAL POLITICAL THOUGHT

NOTES**Structure**

- 2.0 Introduction
- 2.1 Unit Objectives
- 2.2 St. Augustine and his Methods
 - 2.2.1 Church and State Controversy
 - 2.2.2 The Two-Sword Theory
- 2.3 St. Thomas Aquinas
 - 2.3.1 Views on Church and the State
 - 2.3.2 Law of Nature
- 2.4 Marsiglio da Padova
 - 2.4.1 State and Church
 - 2.4.2 Law and Law Makers
- 2.5 Summary
- 2.6 Key Terms
- 2.7 Answers to 'Check Your Progress'
- 2.8 Questions and Exercises
- 2.9 Further Reading

2.0 INTRODUCTION

Medieval political thought was born in the context of conflict of jurisdiction between the priest and the king. In Christian Europe, the highest priest was the Pope who claimed moral and secular authority on the life of the believers. The kings, on the other hand, had grown out of the community of people or had come to rule over them. They would not submit to the authority of the Pope in the mundane affairs. The rift has been reflected within the church itself as well as in the relation between the church and the state everywhere.

St. Augustine first advocated self-control of the church with regard to the secular affairs of people. St. Thomas Aquinas was intolerant of non-Christian orders and gave papal authority a position of overwhelming pre-eminence. Marsiglio de Padua was more forthright on separation between the church and the state.

2.1 UNIT OBJECTIVES

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

- Explain St. Augustine's views on the state and church
- Discuss the two sword theory
- Interpret St. Auqinas' view on state and church
- Describe the law of nature as formulated by Aquinas
- Evaluate Marsiglio's views on liberty and separation of power

2.2 ST. AUGUSTINE AND HIS METHODS

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St. Augustine (AD 354–430) was a theologian and philosopher whose writings influenced the development of Western Christianity and Western philosophy. He was influenced by Jewish Christian traditions. Christian education had a lasting impact upon him. He was also moved by the philosophy of neo-platonic Christianity. He drew from philosophies of two cities, from the Western Christian tradition and the tradition in Africa. The primary objective of Augustine was *otium liberale*. This alluded to a simple enjoyment of fruits. It was based upon the rural domain.

St. Augustine believed that all reasonable governments, irrespective of their types, represented those who were neglected and not perfect (in his book *City of God*). Stringent laws to discipline those who sinned, by using legal and educative procedures were provided by the state. Augustine considered the church as the representative of the perfect and the eternal (*City of God*). According to him, the church preserved the divine and other worldly principles of harmony, trust and donation. Therefore, both the church and the state were independent but linked. They occupied different realms and held different values, but both existed in this world.

2.2.1 Church and State Controversy

The first real controversy between the church and the state took root in the 11th century with the deposition of Pope Gregory by Emperor Henry IV. It continued throughout the middle ages and became dominant theory and practice of politics. The age saw a conflict emerging between the papacy and the secularists. The first advocated a grant of supremacy to the church and while the second sought to give supremacy to the state.

Argument for papal supremacy

Augustine had already supported the cause of the church. According to Dunning, the papal supremacy argument comprised the following: Firstly, with regard to the two species of authority greater dignity pertained to the spiritual and hence precedence was given to those in whom its exercise was vested; secondly, God was seen as directly conferring upon the church such power of inspection and correction which is seen in reference to the character and motives of secular rulers. The first idea stemmed from the views of the early church which pertained to the relative importance of the earthly life and the life to come.

The second line of argument in the theory of clerical supremacy drew its strength from the distinction which soon became clearly marked between the clerical and the lay elements in the church and the elimination of the latter element from all authority in ecclesiastical functions, whether spiritual or merely administrative.

The most effective presentation of the papal claim to supremacy was made by John of Salisbury. His *Policraticus* was the most elaborate medieval treatise on politics. Here, he made a lucid case for papal supremacy. The other champion of the papal cause was Thomas Aquinas. He rejected the Roman empire because at that

time the Roman empire harboured injustice, unjust wars, aggression, and robberies. There was a possible connection between Augustine and the Donatists. The Donatists said that Cyprian was a perfect bishop given his attitude to martyrdom and ascetism. On the other hand, St. Augustine firmly believed that Cyprian was referring to eschatology.

The issue here riveted on eschatological reality and a tension ensued. Augustine was taught by Tyconious that in any given particularistic society both cities must exhibit the moral and religious obligations of their members. It came to be known that Tyconious did not join the Catholic church. Augustine, due to many orthogenetic situations, criticized Donatism in using the sociological inseparability of the two opposed societies.

St. Augustine tried to delineate the four essential elements of his philosophy in *The City of God*. His ideas can be seen reflected in the philosophy of church, the state, the city of heaven and the city of the world. According to him, the church is divinely established and directly leads to humankind. This brings to the fore the question of eternal goodness which was being questioned for God only. Here, the virtue is important and it is the sole responsibility of the state to adhere to the virtue of politics. It can directly stem from the political community. These societies stood the test of the time for the sake of a good life. Reflecting these issues, are the two indistinguishable societies, the *City of Heaven*, for those ordained for deliverance, and the *City of the World*, for those given eternal damnation.

This philosophy allows Augustine to postulate his concrete theory of justice where he articulates the problem and refers to how this entails the distribution of those possessions which are obligatory for life, just as God without restraint distributes air, water, and light. Human kind ought to trail the city of heaven to maintain a suitable common sense of order, which in turn leads to true tranquility. He underlined the sense of supreme God. Apart from this philosophy, Augustine himself put together a Christian philosophy of society. He defined the various areas of philosophical inquisition in terms of ethics, politics and unity in the universality of celestial disclosure. He himself has been regarded as a theological philosopher of the ages, and was also considered a saint of the church. It is said that his philosophy has been vehemently criticized as being of a deviating nature. The doctrine of grace, predestination, etc., comprised the major attributes in the church.

The separation of the church and the state are to be seen the biggest achievements of St. Augustine's philosophy. His contribution to the study of western political thought was highly important. The issue pertaining to the division of the church and the state can be witnessed as undergoing rapid variation. While, the sword is to be seen as the core value of the state, the city of God provided the strength of the church. According to St. Augustine, the church represented the reflection of peace, security, charity, and hope. He stated that the role of the church should not be undermined. The duty of the church is not to overlook the state, but look after the human beings. The role of the state is to employ repression and a sense of punishment to hold down people who were intrinsically aberrant. God has selected very few good men and women and also saved their identity from damnation. To him, the highest good was not of this world but comprised eternal life with God.

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Augustine distinguished between the higher world of perfection and a lower world of corruption which was remained influential throughout the middle ages. According to the church view, only a limited number of people are to be seen predestined for heaven or hell. Christ had made adequate possible measures to attain salvation. The church could not have overlooked the state.

St. Augustine attempted to discuss the concrete relationship between church and the state in his book '*The City of God*', Book XIX, Chapter 17. Here, he delineated the cordial relation between the earthly city and the city of God. In the city of God, people need to develop to stay together. It is said this needed the basic capacities and the work of the temporal city. The point is that St. Augustine wanted to lead the temporal city to a combination with the heavenly city; the basic advice here being that it is to be firmly established on earth.

Augustine furthered Cicero's views that the role assigned to the state is the basis of the realization of justice and asserted that people without law and justice are nothing but a band of shoplifters. He postulated that only a Christian state can be a just state and that it cannot grant to man his specific due without giving to God what is due to him. This Christian state can be just in the absolute sense of the term. Augustine rejects the idea which considers the state as natural and necessary. Rather, the state is considered a repressive institution and an instrument of coercion for regulating order and maintaining peace. Given this view, the state is then seen as a product of a sin. This prolonged examination of the state, however, by no means implies that we have no moral duty of biased deference. Augustine argued for the doctrine of two swords and the independence of the church and the state in their respective spheres. Augustine was of the opinion that heresy was a deadly sin and the function of the state entailed that it was equipped with required rights to suppress it.

Augustine was of the opinion that the secular state was a moral entity and that it could represent what was morally right as well as what was morally wrong. This comes to comprise the pivotal hinge of St. Augustine's beliefs. The secular state can usher in civil peace according to Augustine. The notion of public responsibility is the major landmark of his philosophy. The need of the hour mandated that one fight a just war. It means that a just war had to be fought in order to secure a just state. Given that no earthly state was entirely just, it was not possible to realize a Christian utopian in history. Augustine laid emphasis on virginity and chastity in sexual matters. He discouraged widows from remarriage. He further asserted that the church is to be seen as symbolizing a perfect society where civic virtue is being maintained. It is otherwise referred to as a self-sufficient community regarding property and maintenance of good governance. In order to achieve the supremacy of the church, Augustine firmly believed that the ideal of papal monarchy can usher in transparency, integrity and accountability in the functioning of the church.

2.2.2 The Two-Sword Theory

It was Pope Galesius who formulated the theory of 'two swords': the ecclesiastical authority and the secular authority, exercised respectively by the priest and the king. According to Galesius, Christ himself was the king and the priest. But knowing the

sinfulness and weakness of human nature, he divided the two offices of the king and the priest. The king would look after the worldly welfare of the people, the priest spiritual welfare. The two are independent authorities, yet dependent, on each other. The king must recognise the church's authority over the spiritual affairs of men, the priest must recognise the king's authority over their spiritual affairs. He advocated cooperation between the church and the state which never happened.

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CHECK YOUR PROGRESS

1. When did the first real controversy between the church and the state begin?
2. Which philosophies did St. Augustine's ideas reflect?
3. What was the biggest achievement of St. Augustine's philosophy?
4. What is the role of the state, according to St. Augustine?
5. Who formulated the theory of two swords?

2.3 ST. THOMAS AQUINAS

The only figure of real philosophical significance in the Middle Age was St. Thomas Aquinas. His body of work gave a complete picture of the medieval thoughts. Born in 1227 at Rocca Sicca near Naples in an aristocratic family, he joined the mendicant order of the Dominicans when he was sixteen.

St. Aquinas became a well-known name during the religious and intellectual movement of the 13th century. In order to understand Thomism, the scholasticism of the 13th century has to be understood first. Scholasticism was, in fact, the logical interpretation of religious dogmas. Its purpose was to bring reason to the support of faith and to strengthen the religious life and the church by the development of intellectual power. It aimed at silencing all doubts and questionings about the church through argumentations. Its chief characteristics were two, namely, the church dogma was infallible and unquestionable and dogma was not contrary to reason. Its rational element was furnished by the philosophy of the ancients and the theological element by the church priests.

2.3.1 Views on Church and the State

St. Thomas Aquinas defined the state as an author who executed the perception of human law. Law is the basic command of the church and that command may be the punishment of vice and source of encouragement for future history. The church, according to Aquinas, is the presenter as well as the interpreter of divine law. In doing so, the church uses natural law, and human law is an inferior part of it. The church aids the state in delivering its responsibilities by advising it on moral legislation. It is thus, that one may see him as the pre-eminent guardian of the Catholic Church, playing a significant role in furthering its glory. He is credited with solving the apparent

dualism between the two orders of sovereignty—*temporal* and *spiritual*—which was intolerable to the medieval philosophical mind. It is his successful reconciliation of reason and faith which has rendered his authority as timeless.

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Given its due significance, Aquinas' works still form the intellectual backbone of all subsequent Catholicism. One pivotal change which resulted from Aquinas' writings was the abandonment by Roman Catholics of the theory that religion, acting through the machinery of the state, should dominate science and philosophy. A similar change was witnessed in the political arena, which saw a gradual weakening of papal claims to appoint and depose kings and the substitution of nationalist sentiment for ecclesiastical authority as the dominating force behind government. Given these considerations, one can gauge the seminal contributions Aquinas made to the evolution of the modern nation-state laid on a secular foundation.

Justification of the State and Political Obligation

If political institutions are seen as an aspect of 'natural' morality, this implicitly suggests that the justification of the state and the ground of political obligation has to be seen grounded in the very nature of man. Aquinas derived this pivotal idea from Aristotle. Among often repeated expressions, every time St. Thomas approaches the problem of politics, is: *homo naturalitor est animal politicum et sociale* (*ut philosophus dicit, ut probatur in politicae, etc.*).

The cited words are important. William of Moerbeke, whose Latin translation of *Politics* was the source of St. Aquinas' knowledge of Aristotle's work, had translated the Aristotelian expression. Aquinas maintained this expression in his *Commentary on Aristotle's Politics*, but he constantly used animal *politicum et sociale* in all his other works. The important issue here is not so much to do with whether these expressions are a more correct rendering of Aristotle's thought, but rather has to do with the emphasis which is laid upon the social character of politics. Man is a political animal since he is a social being. This means that while the state is to be seen rooted in social experience, it cannot be solely the creation of human will. The state is, then, to be seen not as a work of art, but a historical product signifying the highest expression of human fellowship.

All that renders it possible is open to rational enquiry. Aquinas never tires of emphasizing the importance of the political nature of man. At one place, he describes man as being subject to a triple order comprising divine law, reason, and political authority. If man had been, by nature, a solitary animal, then the order of reason and that of revealed law would have sufficed. However, since man is a political being it is required that, if he is to achieve his proper end and the highest forms of life and virtue, he should share in political life and practice the virtues of politics.

Doctrine of the Political Nature of Man

The doctrine of the political nature of man has an immediate significance for the treatment of political obligation. The implication here is that the historical origins of the state must not be confused with the problem of its rational justification. A political relationship, irrespective of the earliest conditions of mankind, is its natural condition.

This renders it quite futile to trace the causes of some supposed changes in human conditions, trying to locate them in an explanation and justification of the state and political institutions. There is no place in such a doctrine for a contrast between 'nature' and 'convention'.

2.3.2 Law of Nature

Aquinas employs Aristotle's notion of man being a political animal, and in doing so, breaking away from the tenets of earlier Christian writers. His difficulties are clearly visualized in his discussion of the state of nature and of the natural equality of men. Stoic and Christian philosophy had been strangely consonant on this point. Aquinas makes a clear distinction between law and eternal law. For him, law is a dictate of reason. Although this dictate of reason forms a key tenant in his theory, he says law is not just the reason of a ruler, but may also include the objects that are ruled. For eternal law, on the other hand, creations that are ruled by the law have their impression on them through their nature and essence.

According to him, when this natural law is applied on human beings, a greater precession is required as humans understand reason and have a free will. Hence, it is for human beings to apply this reason to determine what is best for them and the nature they live in. This natural inclination of human beings in achieving a good end to their needs through reason and free will is natural law.

The teaching of the Fathers left no room for doubt about the conditions in which mankind had originally been placed by God.

St. Augustine, in a famous passage which St. Thomas Aquinas did not fail to remember, had stated that God had made rational man the master of animals, and not of his fellow-men, by indicating the proper order of nature and the consequences of sin by visible signs. The same conception was repeated by Gregory the Great, and by St. Isidore of Seville, a Christian writer belonging to the beginning of the 7th century, whose great work of compilation was constantly referred to by medieval writers. The older doctrine of the law of nature founded by some of the Roman lawyers and transmitted in Justinian's *Corpus Juris* had also emphasized the natural freedom and equality of all men, contrasting the institutions which can be referred to the *jus naturale* with those that are grounded upon the *jus gentium* and on human conventions. Here too, St. Aquinas is not to be seen as having definitely and categorically contradicted these conceptions. The adept way he goes about answering the difficulties brought to the fore by these two contrasting modes of thought shows his skill with adaptation and is a marker of scholastic subtlety.

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CHECK YOUR PROGRESS

6. What is the role of the church according to St. Aquinas?
7. How is man seen as by Aquinas?

Subjection *Civilis* of Man to Man

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Had men remained in the state of innocence, the disturbing inequalities between the masters and slaves would not have originated. However, even in the state of innocence the fundamental difference between man and man would have been apparent; for, as Aristotle points out, men are not equal, but unequal. This becomes clearer if we differentiate two different sorts of subjection. Slavery subjective *servilis* in which man is degraded to a tool, is undoubtedly contrary to nature, and can, therefore, only be explained as a consequence of sin. But political relationship—the subjection *civilis* of man to man which is necessary for the attainment of the common good—is not a consequence of sin, for it is founded upon the very nature of man.

Authority and obedience would still have been necessary even if the state of innocence had been preserved. The reason for this is, in accordance with Aristotle, is that man is a social and political animal. Those who are more wise and righteous command the rest. The idea of sin, which is not rejected, is constricted to narrow limits; its function being merely to explain certain inevitable hardships of social and political experience, such as slavery, the penal character of laws, or the existence of unjust rulers. It has no role to play in the rational justification of the state, since political obligation is inherent in man's nature. It becomes, then, impossible to think about man without the state, since it is only in the state and through it that state that he can achieve perfection.

Asceticism in Favour of the Idea of a Higher Degree of Perfection

Aquinas postulated that at this point another difficulty was bound to arise; one which was perhaps of a more serious nature. Certainly, a doctrine such as the one which we have analyzed became problematic when it came to solving very old and deep motifs concerning the Christian experience. If it was true that man can only achieve perfection in the fellowship of other men, how would one then explain the case of hermits and saints? One finds an interesting passage pertaining to this issue in the commentary on politics. Here, one finds St. Thomas commenting on the Aristotelian doctrine which relates the monstrous condition of man deprived of society and isolated from political life. He finds it incumbent to make an express reservation with regard to asceticism, in favour of the idea of a higher degree of perfection to be attained by retiring from the world rather than by participating in it. Here, he can be seen labouring to emphasize the exceptional character of a life of this kind, and the necessity for the attainment of such an ideal.

If any man should be such that he is not a political being by nature, he is either wicked – as when this happens through the corruption of human nature – or he is better than man – in that he has a nature more perfect than that of other men in general, so that he is able to be sufficient to himself without the society of men, as were John the Baptist and St. Anthony the hermit.

Harmonious Integration of Individual Life

The Aristotelian doctrine can be seen opening the doors to new perspectives and opinions. The idea underlining the social and political nature of man can be seen leading to an emphasis being laid on the full and harmonious integration of individual

life in the life of the community: 'All men being a part of the city, they cannot be truly good unless they adapt themselves to the common good.'

It is this 'integration', and what it signifies, that demands our close attention. What then are the real implications of the heavy emphasis being laid on common good as being greater, and indeed more divine, than that of the single individual? Here, we encounter an organic conception of the state which was emphasized by Gierke as being an important feature of medieval political theory. This conception of the state entails that the state be conceived as a whole entity whose existence is prior to its parts, and that the end of the individual is subordinate to that of the community. In this framework, the individual has no independent meaning or value apart from the whole of which it is a part. Such views, as must be noted, do not seem consonant with the Christian concept. Rather, they tend to transform the State into a sort of Leviathan, which devours its components. They conjure up the notion of the 'moral God' in a Hegelian sense, more so in Hobbes' familiar wording. It is interesting to trace how they are by no means modern inventions.

Historians had coined the expression 'political Averroism was moving'. The impact of Averroist ideas can be traced back to Marsiglio of Padua, and even Dante. It is, therefore, necessary that we interpret St. Thomas Aquinas correctly on this significant issue. But, this is, as we will see, far from being an easy endeavour, for there is no doubt that he thinks of the state as an organism, of the individual as subordinate to the community, and of the common good as the supreme value to which all others are instrumental. He repeats and endorses the Aristotelian statement which sees the family and all other groups differing from the city not only in size, but in specific ways, and deduces from it the conclusion that common welfare is different in nature from that of the individual, just as the nature of the part is different from that of the whole. We have, however, only to delve a little more into the matter to realize the many cautions to which the 'organic conception of the state' is subject in St. Thomas's interpretation.

Political Community or the Unity of the Family

It is important to note that the unity which is achieved through any form of human association is a unity of a very peculiar nature. This unity, which is of the political community or the family, is only a unity of order and not an unconditional unity. Given this, the parts which form it can have a sphere of action which is separate from that of the whole; just as in an army a soldier can perform actions which are pertaining to the whole army.

Further, the whole has a sphere of action which is not proper to any of its parts; for example, we have the general action in battle of the entire army or again, we have the movement of a ship which results from the combined action of the rowers. This seems to suggest that the grouping together of men should be creative of a new and separate being, different in substance from the parts that constitute it. The role of the individual instead of being minimized or denied, is simply enhanced and placed on a higher plane. The integration of the individual in the whole is then to be seen as an enlargement and an enrichment of his personality, and not as a degradation of the mere function of a part without a value of its own.

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Moreover, the difference between the end of the individual and that of the whole does not in any way signify a difference in the standards by which both must be judged. Ultimately, these ends are one and the same.

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Thus, we could have an assessment of the interplaying forces between man and society, and the value of the individual personality can be established with all due concession to the new conceptions which derived from the reading of Aristotle. A safeguard was provided by natural law. Though the emphasis is never on 'natural rights' (seen here in the modern sense), the action of the state is constrained by objective rules of justice, which ensure the respect of the fundamental demands of the Christian conception of human personality. It is further delimited by the fact that the laws of the state cannot aim at making men perfectly virtuous. They are restricted to pass judgments only upon external actions.

Spirit of Christian Individualism

The spirit of Christian individualism remains unrestricted. The individual can never be completely absorbed by the State, since something in him is reserved for a higher end. The value of the single soul is sealed by the price of redemption. No human authority can be absolutely binding in conscience, and a higher authority is given to man, which rises high above the authority of the state and all other earthly power. The authority of the church is to be seen as drawing its source directly from God, its justification rooted not only in scripture, but in that very progression of ends which inspires St. Thomas's whole treatment of Ethics.

Medieval theocracy

Thus, we can see, in the light of the earlier discussion, how St. Thomas' theory of politics leads us back to medieval theocracy. Even though the state is no longer denied any right of existence, it must fit into the scheme of a hierarchical and graded society, and accept its subordinate part. We can now gauge the distance which separates St. Thomas from the modern conception of politics. It is a matter of great misfortune that he failed to leave us with a systematic treatment of the problem of the state and the church. However, a clear account of his doctrine can be located in the fourteenth chapter of the *De Regimine Principum*. It is the doctrine which pertains to the necessity of a dual direction of human affairs, of the insufficiency of the humanum regimen and of its completion through the divinum regimen. This duality can be seen reflected in the distinction between the *regnum* and the *sacerdotium*. It is the traditional doctrine, which had been expressed in the famous letter of Pope Gelasius to the Emperor Anasthasius at the end of the 5th century, and had been enshrined in the great collection of Gratian towards the middle of the 12th century. What is new and noteworthy is its development which proceeded on the basis of the Aristotelian theory of ends. The necessity of the two powers is delineated with regard to the full attainment of human ends, culminating in the *fruitio divina*. The duality converges into unity in Christ, who is both *rex* and *sacerdos*. In this world, the two powers are committed separately: the former to earthly kings, and the latter to priests, and principally to the Roman Pontiff, 'so that temporal affairs may remain distinct from those spiritual.' But the different value of the ends

necessarily indicates a subordination of one power to the other - of the *regnum* to the *sacerdotium*. Hence, it follows that to the Summus Sacerdos, the successor of Peter and Vicar of Christ, 'all Kings in Christendom should be subject, as to the Lord Jesus Christ Himself.' This doctrine is far from being free of all ambiguities.

State and Church—Two Societies

St. Thomas, instead of thinking of a relation between two different societies, between the state and the church in any modern sense, thinks of a distinction of functions. We are, here, thinking in the line of what historians have termed the Gelasian doctrine: the doctrine pertaining to the distinction and interrelation of the two great spheres of human life within one single society, the Christian society - the *republica christiana*. However, it is the relationship itself that leads the field to uncertainty. What does the necessary 'subjection' of all rulers to the authority of the Pope entail? If we analyze the doctrine laid down in the *De Regimine principum* in line with other passages from St. Thomas's other works, especially drawing a comparison with the extreme claims of what we may refer to as the 'theocratic' doctrine proper, such as the one set forth by Boniface VIII and his supporters, we are likely to appreciate its moderation. Here, there is no reference to the *plenitudo potestatis*, of a direct sovereignty of the Pope in temporal matters. The subordination of the civil to the spiritual power, which St. Thomas refers to, is to be seen located only with regard to the end. It comes quite near to the *potestas indirecta*—the typical doctrine of the post-Tridentine Church—although the doctrine refers to an adaptation to social and political conditions which are to be seen as very different from those belonging to the middle ages, and implies the definite abandonment of the medieval idea of the unity of the two societies: the church and the state.

However, it is this unity which is to be regarded as significant. The spiritual and the temporal spheres are not to be seen as autonomous, rather, 'the temporal power is subject to the spiritual as the body to the soul, as philosophy is to theology, as the natural is to the supernatural'. It is granted to refer to an indirect power, in so far as the spiritual Prelate should be involved in temporal affairs in relation to those things where the temporal power is subject to him or in matters which have been relegated to him by the secular power. However, when one comes to take stock of the machinations of this indirect power, one discovers—in line with what may be said of the Jesuits—what is given with one hand is simultaneously taken back with the other.

Modern man has waged centuries' old struggle to keep himself sealed off safely from the interference of the church and the state, in order to facilitate a condition where he can engage freely in the pursuit of truth and the worship of God in accordance with his conscience. In a system founded on orthodoxy, there is no space granted to religious freedom. The theory of St. Thomas exemplifies the theory of the orthodox state; a fact we are likely to forget. Given that one is habituated to the threat issuing forth from the state, one is ever ready to see the Church as the champion of freedom. In this context, we may consider the one great advantage medieval intolerance had over modern totalitarianism in that it completely subtracted the definition of orthodoxy from the ambit of the politician. It is credited with having

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put a bar on Erastianism. Here, there is a denial of the dictum which postulates that 'the general will is always right.' Though it was an intolerance of a different and noble type, it was intolerance all right, and a thorough, totalitarian intolerance. The fact which states that this society is a society of the faithful is not blind to the possibility that there may be infidels among them. Even though, they are not regarded as belonging to the society proper, there is nonetheless an accompanying level of tolerance which dictates - 'we must bear ourselves honestly, even to those that are outcasts.' So, they must be tolerated and even respected. The great spirit of Christianity speaks of the words:

Gentiles and Jews should in no way be constrained to embrace the faith and profess belief. For belief depends upon the will. But the Jews are and remain outcasts in the Christian community. Their rites, which after all bear testimony to our faith, may be allowed, in the same way as prostitution is allowed to avoid greater evils. But they must be obliged to bear some special sign to distinguish them from the Christians. They should be compelled to work for their living rather than be allowed to live in idleness and grow rich by usury.

The unhappy lot of the Jews is a paradise compared with that of the heretic or the apostate. They had at one time accepted the faith and professed it. They must be constrained, even physically, to fulfill what they have promised and to observe what once they accepted for ever. Their sin is one which can hope for no pardon. If it be just that forgers and other male factors are put to death without mercy by the secular authority, with how much greater reason may heretics not only be excommunicated, but also put to death, when once they are convicted of heresy.

Here, we seem to be left with very little required to provide an independent and proper platform to the state and to politics. And yet, here we encounter the final paradox: indeed, not a paradox at all, but a strictly logical consequence of the assumptions taken on board earlier. Political authority is to be seen invested with a value that stands independent of religion, and is premised on the expression of a natural and rational order. This suggests that even a non-Christian state is endowed with a positive value, over and against St. Augustine's conception of the pagan state as the embodiment of the *civitas terrena* and a work of sin. However, political obligation, despite being founded on the very nature of man, cannot avoid being subjected to religious obligation. So, it becomes an issue of providing a right interpretation of the fundamental principle that Grace does not abolish Nature, but perfects it. St. Thomas' words aptly drive the message home:

We must note that government and dominion depend on human law, but the distinction between the faithful and the infidels derives from divine law. The divine law, however, which is a law of grace, does not abolish the human law which is grounded on natural reason. So, the distinction is between the faithful and the infidel over the faithful. Such right to dominion or government may, however, with justice be abrogated by order of the Church in virtue of her divine authority; for the infidel, on account of their unbelief, deserve to lose their power over the faithful, who are become the sons of God. But, the Church sometimes does and sometimes does not take such steps.

It is a momentous step which is to ensure that the holder of the spiritual power hesitate before taking it. However, it is very possibility makes, in certain

cases, the final decision inevitable. It remains in the hands of the church to release those bonds of allegiance to the state which are grounded in nature. These bonds can and must be undone whenever a danger threatens religion. Christian rulers must acknowledge and understand the stakes of having embraced the faith, and of being a member of the Christian republic. Political obligation ultimately relies on religious obligation. It is not the prerogative of the church to punish infidelity in those who have never embraced the faith. This is in accordance with what Apostle saying: ‘What have I to do to judge them that are without?’ However, the church may punish the infidelity of those who have once embraced the faith by judicial sentence; and it is just that they be punished by loss of the right to rule believers. For this could result in a widespread corruption of the faith; as it is said: ‘the apostate breeds evil in his heart, and sows discord,’ seeking to detach men from their faith. Thus, the moment a ruler faces the sentence of excommunication for apostasy from the faith, his subjects are simultaneously absolved from his relic, and from the oath of loyalty which bound them to him. St. Thomas can be seen as laying bare with the principles which undergird the medieval conception of the state.

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CHECK YOUR PROGRESS

8. Why is it said that St Aquinas’ theory of politics leads us back to medieval theocracy?
9. Give the definition of law as stated by Aquinas.
10. What is natural law, according to Aquinas?

2.4 MARSIGLIO DA PADOVA

The church-state conflict, characteristic of medieval political theory came to a head with Marsiglio da Padova or pouda who definitely took the side of the state. He also suggested the democratization of the church denying the priest all jurisdiction over the spiritual life of mankind. The priest was, to him, but a humble servitor.

2.4.1 State and Church

Marsiglio de Padua in his *Defensor Pacis* proposes the theory of secular state, which, many have suggested, was based on the practices of Italian city states. Marsiglio wrote the book with the intention of destroying the complete system of papal imperialism. He wanted to limit the control of spiritual authorities over secular government, and that is why he, more than any other medieval writer, asserts the necessity of putting the church in control of the state’s power.

Marsiglio derived the philosophical ideas from Aristotle; in fact, he saw his books as a supplement to the specific part of Aristotle’s *Politics* which talks about the civil discord and revolution. Marsiglio claimed that the reason for the supplement arises because Aristotle was completely ignorant about one cause of civil discord,

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namely, the claims of the pope regarding the supreme power over the ruler of a state. He followed the Aristotelian principle of self-sufficing community that is very much sufficient and capable of supplying all its moral and physical needs. His loyalty to this principle is undisputed, but his conclusion is quite different from any of the medieval Aristotelian theorists.

Marsiglio's *Defensor* is divided in two main parts. The first part talks about the Aristotelian principles and serves to be the foundational basis for the second part of the text, in which Marsiglio talks about the role of church and priests, and the relationship they share with the state authority, and the consequences that can arise from the misunderstanding of the role and relations of church with the state. The book also contains a third part, which is rather small, and contains conclusion drawn by Marsiglio based on the theory he developed in the first two parts of the text.

In his definition of state, Marsiglio follows Aristotle closely and declares that a state is like a living organism which is composed of the parts essential for its survival. When all the parts of this living being work properly, its health, i.e. peace, is maintained; but when one part malfunctions or interferes in the workings of the other parts, strife in the state arises. He describes a city as a perfect community which is able to offer everything that is required for a good life. The phrase 'good life' is important as it has two meanings: good in the present life, and also in the life that is to come. The first can properly be studied by the use of reason, while the knowledge of the second is possible only through revelation, which requires faith. Philosophy and reason tells us that in order to maintain order and peace in a state it is important to establish a civil government. But a state also needs religion to be used in the present life and also in the life to come for salvation.

Marsiglio then talks about the classes required in a state to form a society. There are farmers and artisans who will fill in the role of providing material goods and revenue for the government. Then there are soldiers, officials and priests, who will participate in the actual formation of the state. The role of priests in the state is difficult to ascertain, for the place of clergy in the society has been a topic of debate, and also because the other worldly aspect of religion beyond the comprehension of reason. In spite of this doubt and difficulty, all have agreed that there must a special class of people in the society, especially devoted to worship. He defines the role of Christian clergy in his state in following words:

'The function of clergy is to know and teach those things which, according to Scriptures, it is necessary to believe, to do, or to avoid, in order to obtain eternal salvation and escape woe.'

What Marsiglio does here is that he strips Christianity of its essential supernaturalism and spiritualism, and presents it simply as a class along with the other class in a society. Rationally, Marsiglio does not see any difference between Christian clergy and other priesthood, for what Christianity teaches is also beyond reason and rationality. Thus in Marsiglio's state, the control of the state over clergy is quite similar to control over, say, agriculture or trade. Clergy is not given any special or privileged position in his state. Marsiglio sees religion as a social phenomenon, something which uses material agencies which results in social

consequence, and therefore it must be socially regulated just like any other human interests. It is important to understand that Marsiglio does not attack spiritual interests that the church claimed to serve. He simply makes church a part of his secular state, wherein there is a place for spirituality and religion, but it is like any agency serving other human interests.

In Marsiglio's state clergy are stripped of all of their coercive powers that they enjoyed in the medieval Europe. He argues that because clergy is simply a class of a society, whose function is to perform religious services, it is, like any other class, subject to punishment upon violation of the laws of the state. He further argues that human laws cannot possibly include things like spiritual offence, for such offence can only be judged and punished by God in a life to come. And if spiritual offences are punished in this life, they automatically become offences against the human laws. For instance, if heresy is punished, it becomes a civil offence. For if it is considered as a spiritual offence, then the spiritual punishment, damnation, is beyond the limits of human being. In short, Marsiglio strips clergy completely of its power to dominate the justice system in the name of spiritual offence. He emphasises that clergy has no right to compel a man to do penance. Clergy can celebrate religious rites, instruct, advise, and point out the consequences of a sin; apart from these they cannot do anything.

Marsiglio strips church of its power to own any property in his state. He further maintains that clergy do not have any right to tithes, or to exemption from taxes, and so on. He fully and completely subjects Church and clergy to the civil power.

It is a common misconception that Marsiglio considers church as a branch of state, for it would imply that the number of churches be the same as the number of states. Even though, Marsiglio's political theory attacks the ecclesiastical hierarchy, he acknowledges the church's requirement of some organisation which is different from the other civil classes in order to resolve spiritual questions. This causes both practical and theoretical problems, for the idea of a universal church does not go well with the self-sufficient communities, which are the core of the idea of Marsiglio's state. The organisation of church is difficult without an independent hierarchy and with spiritual judgement dependent on the civil power. Marsiglio's political theory and the place that he offers to church and clergy in his state puts him in a situation, wherein he could have remitted everything religious to private judgement and declared church as a purely voluntary organization, but it is not surprising to see that he did not draw any such conclusion in the fourteenth century, which the later Protestants refused to do two centuries later.

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CHECK YOUR PROGRESS

11. What was the purpose of Marsiglio writing the *Defensor Pacis*?
12. How has Marsiglio defined state?
13. How has Marsiglio divided the society into classes?

2.4.2 Law and Law Makers

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In his definition of law, Marsiglio makes an important distinction between spiritual and temporal. He distinguishes four kinds of law in his *Defensor pacis*, though the main difference is between divine and human laws. In his later book *Defensor minor* he presents the same argument. He states that laws are of two kinds human and divine. He writes:

‘Divine law is a command of God directly, without human deliberation, about voluntary acts of human beings to be done or avoided in this world but for the sake attaining the best end, or some condition desirable to men, in the world to come.’

He then defines human law as such:

‘Human law is a command of the whole body of citizens, or of its prevailing part, arising directly from the deliberation of those empowered to make law, about voluntary acts of human being to be done or avoided in this world, for the sake of attaining the best end, or some condition desirable for man, in this world. I mean a command the transgression of which is enforced in this world by a penalty or punishment imposed on the transgressor.’

On the basis of the kind of penalties inflicted upon the transgressor, Marsiglio in the above distinguishes two kinds of laws. Divine law is that according to which the God will either punish or reward in the life to come. There is no punishment on the earth for the violation of divine law. Only God can punish and the penalty of its violation lies beyond the grave. And since Human laws operate on earth, it is not derived from the former but is contrasted with. Marsiglio argues that any rule, whose violation, incurs the penalty on the violator automatically becomes a human law. This last point is of vital importance, for from this very point Marsiglio concludes that spiritual teachings are not authority or power, for there is no coercive force in them, unless such a power to delegate to the priest by a human legislator.

Another distinctive feature of Marsiglio’s definition of laws is the importance attached to elements of command and sanction, the will of the law maker and his power to enforce that will. Marsiglio explicitly mentions that law means the idea of intrinsic justice and rule of reason, but his treatment of law suggests that somewhere he considers law, at least in the judicial sense, coming from the legislator, which includes punishment upon its violation.

This means that the idea of law entails the idea of a law maker, a legislator. Who should then this human law maker, legislator be? The answer to this question takes Marsiglio to the very core of his political ideology. He describes the legislator in the following words:

‘The legislator, or first and proper cause of law, is the people or whole body of citizens, or prevailing part of it, commanding and deciding by its own choice or will in general assembly and in set terms that something among the civil acts of human beings be done omitted, on pain of a penalty or temporal punishment.’

The origin of human laws is then the corporate acts of people who set up rules to govern and manage the actions of its members. IN other words we can say that a state is a group of men who are bound by a certain set of laws. Whether we

use law to define state or state to define law, the implication that a corporate body of people competent enough to control the actions of its members will remain static. In spite of the fact that in some case the legal authority can act through the means of commission, to which it has given its authority, its source is always people, or at least a prevailing part of it.

The word legislator should not be confused with the modern meaning of it. What Marsiglio meant that the law is made by the whole people in the sense that the legal authority should be considered as the act of the people, and therefore it must be exercised in their names. It should be noted that Marsiglio considered customs to be a part of law and therefore something that the legislator is responsible for.

Another deceptive term is the ‘prevailing part’, which should not be taken to mean the numerical majority. Marsiglio explains the meaning of the term ‘prevailing part’: ‘I say the prevailing part, both their number and quality in the community being taken in to account.’ What he literally meant by the term was the part which carries the greatest weight.

Marsiglio argues that the legislator or a body of citizen should elect or set up the judicial and executive part of the government. The way in which this election is conducted may depend upon the custom of the state, but it is important that authority of executive is derived from the legislative act of the legislator or the body of citizens. Therefore, it is crucial that this authority of executive should always be in accordance of the law, and its role and power should be determined by the people. He argues that the role of the executive is to see if the state is able to perform for the common good of all, and if it is not able to do what is expected from it, then it can be removed by the same power of people which elected it in the first place. There is no doubt that Marsiglio political inclination is towards the elective kind of government instead of inherited kind of monarchy. The power of executive must be greater than any other faction in the state so that it can go ahead as a unit in administration of the law. This unity of executive is absolutely necessary for the state as an organised body, and where there is a lack of this unity, discord, strife, and disorder become inevitable.

CHECK YOUR PROGRESS

14. What are the types of laws Marsiglio talks about?
15. What is the role of the executive according to Marsiglio?

2.5 SUMMARY

- St. Augustine (AD 354–430) was a theologian and philosopher whose writings influenced the development of Western Christianity and Western philosophy.
- St. Augustine believed that all reasonable governments, irrespective of their types, represented those who were neglected and not perfect (in his book City of God).

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- Augustine had already supported the cause of the church.
- The most effective presentation of the papal claim to supremacy was made by John of Salisbury. His *Policraticus* was the most elaborate medieval treatise on politics.
- The separation of the church and the state are to be seen the biggest achievements of St. Augustine's philosophy.
- According to St. Augustine, the church represented the reflection of peace, security, charity, and hope. He stated that the role of the church should not be undermined.
- Augustine was of the opinion that the secular state was a moral entity and that it could represent what was morally right as well as what was morally wrong.
- It was Pope Galesius who formulated the theory of 'two swords': the ecclesiastical authority and the secular authority, exercised respectively by the priest and the king.
- The only figure of real philosophical significance in the Middle Age was St. Thomas Aquinas. His body of work gave a complete picture of the medieval thoughts.
- St. Thomas Aquinas defined the state as an author who executed the perception of human law. Law is the basic command of the church and that command may be the punishment of vice and source of encouragement for future history.
- The doctrine of the political nature of man has an immediate significance for the treatment of political obligation.
- Aquinas makes a clear distinction between law and eternal law. For him, law is a dictate of reason.
- St. Thomas, instead of thinking of a relation between two different societies, between the state and the church in any modern sense, thinks of a distinction of functions.
- Marsiglio de Padua in his *Defensor Pacis* proposes the theory of secular state, as he intends of destroying the complete system of papal imperialism.
- Marsiglio derived the philosophical ideas from Aristotle; in fact, he saw his books as a supplement to the specific part of Aristotle's *Politics* which talks about the civil discord and revolution.
- In his definition of state, Marsiglio follows Aristotle closely and declares that a state is like a living organism which is composed of the parts essential for its survival.
- In Marsiglio's state clergy are stripped of all of their coercive powers that they enjoyed in the medieval Europe.
- In his definition of law, Marsiglio makes an important distinction between spiritual and temporal.

- Another distinctive feature of Marsiglio's definition of laws is the importance attached to elements of command and sanction, the will of the law maker and his power to enforce that will.

2.6 KEY TERMS

- **Thomism:** The philosophical school that arose as a legacy of the work and thought of St. Thomas Aquinas is known as Thomism.
- **Theocracy:** Theocracy, according to the dictionary, is the government of a state by immediate divine guidance or by officials who are regarded as divinely guided.
- **Prelate:** A prelate is a high-ranking member of the clergy who is an ordinary or who ranks in precedence with ordinaries.
- **Secular state:** A secular state is a concept of secularism, whereby a state or country purports to be officially neutral in matters of religion, supporting neither religion nor irreligion.

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2.7 ANSWERS TO 'CHECK YOUR PROGRESS'

1. The first real controversy between the church and the state began in the 11th century with the deposition of Pope Gregory.
2. St. Augustine's ideas reflected in the philosophy of church, the state, the city of heaven and the city of the world.
3. The separation of the church and the state are to be seen as the biggest achievements of St. Augustine's philosophy.
4. Augustine furthered Cicero's views that the role assigned to the state is the basis of the realization of justice and asserted that people without law and justice are nothing but a band of shoplifters. He postulated that only a Christian state can be a just state and that it cannot grant to man his specific due without giving to God what is due to him.
5. It was Pope Galesius who formulated the theory of 'two swords': the ecclesiastical authority and the secular authority, exercised respectively by the priest and the king.
6. The church, according to Aquinas, is the presenter as well as the interpreter of divine law. In doing so, the church uses natural law, and human law is an inferior part of it. The church aids the state in delivering its responsibilities by advising it on moral legislation.
7. Aquinas, as he adopts Aristotle's concept, regards man as a social animal. Hence, he is also considered a political animal. He, however, never tires of emphasize the importance of the political nature of man. At one place, he describes man as being subject to a triple order comprising divine law, reason, and political authority. If man had been, by nature, a solitary animal, then the

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order of reason and that of revealed law would have sufficed. However, since man is a political being it is required that, if he is to achieve his proper end and the highest forms of life and virtue, he should share in political life and practice the virtues of politics.

8. St. Thomas' theory of politics leads us back to medieval theocracy because according to him, even though the state is no longer denied any right of existence, it must fit into the scheme of a hierarchical and graded society, and accept its subordinate part.
9. For Aquinas, law is a dictate of reason.
10. According to Aquinas, when natural law is applied to human beings it requires greater precision as humans understand reason and have a free will. Hence, it is for human beings to apply this reason to determine what is best for them and the nature they live in. This natural inclination of human beings in achieving a good end to their needs through reason and free will is natural law.
11. Marsiglio' wrote the book with the intention of destroying the complete system of papal imperialism. He wanted to limit the control of spiritual authorities over secular government, and that is why he, more than any other medieval writer, asserts the necessity of putting the church in control of the state's power.
12. In his definition of state, Marsiglio' follows Aristotle closely and declares that a state is like a living organism which is composed of the parts essential for its survival. When all the parts of this living being work properly, its health, i.e. peace, is maintained; but when one part malfunctions or interferes in the workings of the other parts, strife in the state arises.
13. Marsiglio has divided the society among the farmers and artisan, the providers of goods and revenue; then the soldiers, officials and priests, who participate in the actual formation of state.
14. Marsiglio talks of two types of laws based on the kind of penalty inflicted on the transgressor — divine law and human law.
15. According to Marsiglio, the power of executive must be greater than any other faction in the state so that it can go ahead as a unit in administration of the law. Their role is to see if the state is able to perform for the common good of all, and if it is not able to do what is expected from it, then it can be removed by the same power of people which elected it in the first place.

2.8 QUESTIONS AND EXERCISES

Short-Answer Questions

1. What is the relationship between man and state, according to Augustine?
2. What is the relation between man and society?
3. What, according to Dunning, are the arguments given for papal supremacy?

4. Explain the concept of practical politics.
5. How did St. Augustine try to present the four essential elements of his philosophy in the City of God?
6. What is the significance of political nature of man in the view of St. Aquinas?
7. How has St. Augustine defined natural law?
8. What is Marsiglio's idea of secular state?
9. Give the definition of law as stated by Marsiglio.
10. How much did Marsiglio owe to Aristotle's Political Theory?

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Long-Answer Questions

1. The separation of the church and the state are to be seen the biggest achievements of St. Augustine's philosophy. Explain why.
2. Why is there no distinction in the functions of the state and the society, according to St. Aquinas?
3. Give an account of the jurisdiction of the state and political obligation during the phase of St. Thomas.
4. What is dictate of reason? How is it associated with natural law?
5. Why do some historians believe that St. Thomas' view on the power of state pushed the society back to medieval theocracy?
6. Marsiglio paid least importance to the church and the clergy. Explain why?
7. What was the need for law in the society, according to Marsiglio?
8. Discuss the state-church relation according to Marsiglio de Padua.

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UNIT 3 THEORIES OF GOVERNMENT

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Structure

- 3.0 Introduction
- 3.1 Unit Objectives
- 3.2 Machiavelli
 - 3.2.1 Republicanism and Humanism
 - 3.2.2 Notion of Liberty
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- 3.3 Montesquieu
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 - 3.3.4 Criticism of Montesquieu's Theory
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- 3.7 Questions and Exercises
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3.0 INTRODUCTION

Renaissance in Europe first drew the attention of philosophers to the human beings. The kings started losing their halos of divinity. The idea of the government of the people—the *Re-publica*—replaced the divine rights of the monarch. A new humanism arose with Machiavelli in the 15th century Italy. It matured into a sociology of law in the writings of Montesquieu.

3.1 UNIT OBJECTIVES

After going through this unit you will be able to:

- Explain the political theory of Machiavelli
- Describe Machiavelli's concept of humanism and liberty
- Interpret Machiavelli's concept of human nature
- Assess Machiavelli's concept of statecraft
- Evaluate the definition of liberty as given by Montesquieu
- Discuss the theory and importance of separation of power in state
- Describe the concept of division of society
- Assess the criticism of Montesquieu's theory

3.2 MACHIAVELLI

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Niccolò Machiavelli was a philosopher, author and Italian politician who was known as the founder of modern political science. As a Renaissance man, he was a diplomat, a political philosopher, a musician, a poet and a playwright, but the most important role he played was that of a civil servant of the Florentine Republic. He is well known for his short political discourse *The Prince*. This is a work of realistic political theory. Nevertheless, both, *The Prince* and the *Republican Discourses* that dealt with more serious issues, were not published until after Machiavelli's died.

It was Machiavelli's firm belief that the basis of contemporary politics was selfish political seizure and violence and not good Christian ethics. Though Papacy was successful in maintaining some law and order, the Holy Roman Empire continued to disintegrate and international relations continued to become chaotic.

Machiavelli's period was the transition stage between the middle and the modern ages. Spirituality, salvation and God dominated the dogmatic Christian theology and social morality with free thoughts were not considered at all. Machiavelli specifically believed in the historical method, because he preferred practical rather than speculative politics. As a realist in politics, he did not care much for the philosophy of politics. His writings expound a theory of the government and actual working of its machinery rather than the state and the abstract principles of constitution.

3.2.1 Republicanism and Humanism

Machiavelli's reputation as a republican theorist suffered a heavy blow during his lifetime because of the publication of his famous book *Prince*, which then considered a treaty written to instruct the duke to take away the property of the people. It was not until later in the sixteenth century that his reputation as a republican theorist was restored in the hands of Alberico Gentili, who wrote that Machiavelli was 'a strong supporter and enthusiast for democracy. [He] was born, educated and received public honours in a Republic. He was extremely hostile to tyranny. Therefore he did not help the tyrant; his intention was not to instruct the tyrant, but by making all his secrets clear and openly displaying the degree of wretchedness to the people . . . he excelled all other men in wisdom and while appearing to instruct the prince he was actually instructing the people.' After almost a century Spinoza declared Machiavelli as 'champion of liberty' in his *Tractatus Politicus*, and thus added to the idea of Machiavelli as a misunderstood thinker and theorist. The idea that Machiavelli was a Republican thinker was later endorsed by Pierre Bayle in *Dictionnaire* and Diderot in *Encyclopedie*, and was further intensified and sanctioned by Rousseau in his *Social Contract*: 'While appearing to instruct kings he has done much to educate the people. Machiavelli's *Prince* is a book of Republicans.'

To the modern reader the last remark may seem a bit of exaggeration, but there is no doubt regarding the reputation of Machiavelli as Republican author and theorist. Many argue that Machiavelli's brand of republicanism is sort of different.

For some, it is an amalgamation of republicanism and tyranny, while for other it has tinge of monarchism, and yet others think that his committeemen to civic and military virtues made his brand of republicanism different. What these critics and scholar fail to see is that Machiavelli's brand of republicanism was inclined to neither of the above mentioned ideas, it in fact was inclined towards the idea of a republic which is maintained by constitutional laws, which makes sure that every part of the system is in its place.

Machiavelli's Republicanism

One of the most important and significant character of Machiavelli's republicanism is its commitment to civic life or *vivere civile*. He considers it to be the prime responsibility of the government to cater to the requirements of the political and civil life, and if the government fails look after these requirements, then the government is either a tyrannical or corrupt republic.

While following the tradition of Republicanism, Machiavelli deems the constitutional law as the most basic and primary feature of both political and civil life. Machiavelli's idea of republicanism is fully expressed in his *Discourses on the First Ten Books of Titus Livy*. It is in this book he puts political life in contrast with tyranny, which he understands as authority working without the confines of the law. He contrasts civil life with sole authority in *Florentine Histories*. He also considers political life as something opposite to corruption and writes that in a corrupt city a man must use different methods to attain glory than the methods he would use in the city that city were the lives of people are political. He defines a corrupt city as a city where there is a regard for the law, and which lacks the institution adequate to check the level of corruption.

It is important to understand that by rule of law, Machiavelli means the conformity to the principle of legality, which instructs that it is on the basis of general rules that men's action should be judged, and these rules must apply to all the actions of the same type and to every individual of the concerned group. For him the basis of the civil life is nothing but the generality and impartiality of the law. The laws, claims Machiavelli, cater to the demands of civil and political life, and forces men to work towards the idea of common good, and abstain them from causing any harm to their fellow citizens. The laws should be framed while assuming that all men will do wicked deeds if given the opportunity. The laws, therefore, is important and required and once they have been framed and are in place, they should be obeyed without any exception or discrimination. In his idea of republic, the punishment of crime should be inflicted without considering the public and private status or merit of the criminal. He writes that no sound republic, 'demerits of the citizen to be cancelled out by their merits; but, having prescribed reward for the good deed and punishment for the bad one and having rewarded someone for doing well, if the same person afterwards does wrong, it punishes him, regardless of any of the good deeds he has done.' He warns that if this vitals aspect of legal justice is not regarded, the civil life will soon dissolve into nothingness, and civil life being the most prominent characteristic of his republicanism, the threat is directly to the republic.

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The importance Machiavelli ascribes to the principle of legality can be understood from his cautionary warning that in order for a republic to be well ordered and sound it is important that the punishment of a crime should always be inflicted as per by the law and by a recognized public officer and not by someone working outside the law. Machiavelli quotes the example of a Roman general Coriolanus, who ordered against the distribution of corn amongst the people, with the intention of limiting their political power. The tribunes summoned him to appear in the court and thus was saved by them from the fury of the public. Machiavelli writes that had he been lynched by the mob, it would have been wrong, for his death would then be a punishment inflicted on a private citizen by the private citizen. Such a violation of principle of legality might have caused fear and mistrust in the minds and hearts of the citizen that the law was not efficient enough to offer adequate protection. As a result the citizens would have formed factions to ensure their safety and security, and thereby making the republic fall. But such a consequence was avoided for the entire matter was solved by public authorities in the complete conformity to the laws of the state, i.e. in a way prescribed by the laws and considered as well ordered.

By rule of law Machiavelli always mean the rule of just laws, i.e. the rule of laws which work towards the common good of the state. When understood this, laws become the basis of a good civil life. In *Florentine Histories* Machiavelli writes that in order to establish free and civil life it is important to frame laws and statutes that ensure the common good of the state and replace the factionalism, in which the rule and laws are not for the benefit of the public, but for the personal utility. Factionalism does not promote or support the free and civil life, but ambition of the party which gains the power. In the *Discourses on the First Ten Books of Titus Livy*, Machiavelli mentions that during the time when Roman republic became corrupt, 'only the powerful proposed the laws, not for the common liberty, but to the augment of their power.'

For Machiavelli, the government which is able to ensure the common good of the people and the rule of law is the best form of government. With this criteria in mind, he talks about different forms of government. Provided that the sovereign is bound by the rule of laws, Machiavelli says that it is possible to ensure the political life either by the republicanism or by monarchism. But he prefers the former over the latter, as the former is a government of people bound by the laws. It is important to notice here that the necessary condition for the establishment of political life is the sovereign being bound by the laws, for a prince 'who can do what he pleases is mad', and people 'which does what it likes is unwise.' Therefore whether republican or monarchy, political life can only be achieved when the sovereign is bound by the limitation of laws.

Machiavelli argues for the republicanism and claims that if many take part in the deliberation on issues pertaining to the public, it is more likely that common good will prevail over the private and particular interest. In *Discourses on the First Ten Books of Titus Livy* he writes, 'I claim that the populace is more prudent, more stable, and of sounder judgement than the prince. Not without good reason that the voice of populace likened to that of God; for the opinion of people is remarkably

accurate in its prognostication, so much so that it seems that the populace by some hidden power discerned the evil and the good that was to befall it.'

In the second chapter of the same book, he rather forcefully puts his idea at the fore that the idea of common good is properly catered to only in republics, for only in republics it is possible to carry out deliberations over the idea of common good irrespective of whether they do not agree with some private individuals. He suggests that it is principally true that what a prince does for his benefits harms the public, and what is done for the benefit of the public, harms the prince.

While talking about the supervising body of liberty, i.e. the institutions of magistracy formed for the purpose of supervising the legality of the decisions made by the ruling bodies, the primary concern of Machiavelli is the protection of the rule of law. These institutions that are to ensure the legality of the decisions are modelled on the Spartan ephors and Rome's tribunes. The main issue here is a security of the state or in other words the security of the liberty of the republic. How can a republic better prevent the usurpation of the constitution and the imposition of the factionalism and ensure the security of the liberty? Can it be done by allowing the nobility to take the responsibility of supervising the liberty or by offering the populace the same responsibility?

To answer this question, Machiavelli argues from both the sides. At first, he argues from the side of the popular government, i.e. in favour of the populace and says that a quick analysis of the goals of the populace and that of the nobility tells us that the latter's goal is to dominate while former's goal is to not be dominated and be free, therefore, it is quite logical to think that when given the chance to be the guardian of the liberty, the common people will take greater care in preserving the liberty of the republic: 'since it is impossible for them usurp power, they will not permit the other to do so.' He then argues in favour of the nobility and claims that giving the nobility this responsibility will make them content and at the same time it will also deprive the people the power of creating troubles and squabbles in republic.

Machiavelli admits that it seems difficult to choose the right guardian of the liberty in republic even after giving the due weight to both the nobility and the populace. Therefore, he decides to choose the right guardian for the liberty by asking - who is more harmful in a republic: those who are afraid to lose what they have or those who wish to acquire more than they already have? It is true that both can cause extreme turbulence in republic, but Machiavelli claims that those who are afraid of lose what they already have, i.e. the nobility, are more dangerous in republic for 'men are inclined to think that they cannot hold securely what they possess unless they get more at the expense of others', and in order to do so they can easily alter the constitution, as they have more means of doing so than the populace. So after considering all the scenarios, concludes Machiavelli, that is always wise to entrust the sovereign power in the hands of the common man, if the aim is to establish a civil and free way of living.

In short, for Machiavelli republicanism is a well-ordered popular government. Here he takes the meaning of well-ordered from Cicero's idea of orderliness and moderation. Thus, the meaning of Machiavelli's well-ordered republic is a republic

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wherein each component of the city has its own proper place. He cites Sparta and Rome as examples of well-ordered republics. In the former, a constitution was introduced which gave proper functions to the kings, the aristocracy and the populace, and thus helped form a kind of government which was not only successful, but was successful in establishing tranquillity and peace for eight hundred years. The latter, as is well known, became the most perfect form of republics after the introduction of tribune which made it possible for all the three estates to have a share in the government.

Machiavelli cites the example of Florence as a disordered republic, for it never had ever was able to develop a constitution capable of assigning proper functions or roles to the different social groups, and there its history saw government that oscillated between either to popular or too aristocratic. When the government was too popular the people deprived the nobility of the magistracies thus making the city too abject and humble, and when the government was too aristocratic the people did not have any share in the government. Florence never was a republic which could cater to the needs of the different social groups of the city, only because of the weaknesses of its constitution, which made it an unstable republic.

Machiavelli's republican ideals are revealed through this treatment and analysis of Roman republic. And while doing so, he attacks both the arrogance of the nobility and the ambition of the populace. He claims that out of sheer ambition that the people of Rome began to indulge in the quarrel and disputes with the nobles, and began demanding 'distribution of honours and of property.' The result was that soon this ambition became a disease and cause of dispute over the agrarian law, which became the reason for the fall of the republic. This does not mean that ambitions of nobles were accepted. Machiavelli claims that had it not been for the people, the ambitions of the nobles would have ruined the republic some 300 years ago. Thus, it can be concluded that ambitions which is against the common good of the state, whether it is of the people or of the nobles, must be resisted and curbed for the well being of the republic.

The extreme disadvantages of the ambitions of the people can be understood by the example of the Florence, wherein the people were so ambitious to be solely in the government that they aimed to completely exclude the nobility from the government. The result of disastrous. The social conflict between the groups soon transformed into armed conflicts, and when the nobility was completely excluded from the government, the city could use the service of that 'virtue in arms and generosity of spirits that were in the nobility,' and as a result the city became base and miserable. Machiavelli calls this desire of the people to Florence both unjust and injurious.

This does not mean that Machiavelli considers all kinds of conflicts in republic as dangerous and injurious. In fact he praises the conflicts between the nobility and the populace in the Rome and claims that such conflicts were healthy for the republic of Rome as they aided in the formation of laws serving the interests of both public and the nobility, and thus helped in the maintenance and preservation of liberty. By analysis of the history of Roman republic, Machiavelli remarks that 'in every republic

there are two humours that of the populace and that of the nobility, and that all legislation favourable to liberty to brought about by the clash between them.’

There is no doubt that his acceptance of the idea of social conflict as beneficial for republic is something dissident, but it is always in sync with this idea of civil life; which means when he talks about the benefits of the social conflicts he is referring to the conflicts that do not go beyond the boundaries of civil life. Such conflicts are settled by *disputando*, i.e. by disputing, as was the case in Rome, while those conflicts which go beyond the boundaries of civil life are settled by *combattendo*, i.e. by fighting, as was the case in Florence. He considers the transformation of social conflict into armed conflict as the most pertinent danger to a republic. Thus, it is apparently clear that, according to Machiavelli, social conflicts are beneficial in preserving the liberty and common good only if they do not go beyond the boundaries of the civil life.

In spite of the fact that Machiavelli endorses the idea of political and civil life, he maintains his distance from the traditional idea that the Republic of Venice was the idea republic, for it was a mixed constitution that achieved the rule of law, stability and social peace. Machiavelli asserts that it is not necessary for civil and political life to be quite. He is of the view that it the social quite demands for a constitution that does not allow the state to expand and maintain its independence, then it is advisable for the republic to do away with the social quite so that it can be in a position to expand and defend its independence.

Machiavelli argues that the republic of Venice was able to maintain the social quite, for which it is so famous for, by allowing only a restricted number of citizen with full political rights, and by not letting its citizen engage in war. It is not wrong to have such constitutional arrangement, but only till the state is strong enough to discourage the aggression of potential threats, and is able to maintain its independence without expansion. But such a scenario is very rare. It is often seen that the state needs to expand in order to weaken a powerful neighbour that may very well a potential threat to the freedom of the state. And if such is the case, then a constitution designed in such a way to preserve social peace may very well be against the liberty of the state. Machiavelli, for this very reason, urges to do away with the idea of ‘true political life and true quite of the city’, and to endorse the concept of a republic which is tumultuous, has a huge population and civic army, but all within the confines of law. He claims that if everything stays under the principle of legality and the common good, then even such a republic can be a model of ideal political life, with the added benefit of being secure.

Machiavelli’s idea of a republic then emphasises the importance of the passion of the people and desires of the nobles. He is quite aware that the populace will always try to look forward for the security and the nobles will always desire power and glory, which will often creates an atmosphere of dissension in the republic, but turmoil and dissension is not something that Machiavelli considers a harmful, instead he declares that such dissension are important for the preservation of the liberty, because out of these conflicts and turmoil will emerges laws and statues that will cater to the needs of both populace and the nobility. Moreover, conflict and dissension is necessary for the republic to be acquisitive, for only such a republic can fulfil the

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requirements caused by source both internal and external. And the formation of such a republic needs maximum number of people that the republic is able to incorporate as soldiers. This means that these people must be offered some kind of defence against the oppressive natures of the upper strata, and therefore they must be allowed participation in their regime to certain extent.

Machiavelli does not want the citizens of his republic to relinquish their passion in order to promote the common good, for it is this passion that is cause of dissension between the populace and the nobility. And when these passions are kept in control and under balance they themselves can promote the idea of common good, as mentioned earlier. Thus the key is here to keep them in balance, which Machiavelli insists. The most ambitious of the nobility are often a threat to republic, for they can destroy this balance in order to satisfy their desire to rule all the others, while creating a façade of attempting to help satisfy and fulfil the passions and desires of the populace. As a solution to this severe threat, Machiavelli introduces the passion of fear. The idea is to make the republic most fearful place for those who are inclined to such kinds of tyranny. It seems then he shares with Hobbes the idea of power and importance of passions, and a certain confidence in arousing fear which has its origin in the realization of human weakness in relation to the power in the republic. It also seems that he further shares with Hobbes a kind of sympathetic inclination towards the populace as against to the nobility. After all, in *Discourse*, he enthusiastically promotes the Roman democratic republic.

CHECK YOUR PROGRESS

1. What was the misconception about Machiavelli's *Prince*?
2. What are the basic features of political and civil life according to Machiavelli?
3. What does rule of law mean for Machiavelli?
4. What does Machiavelli's well-ordered republic mean?

Machiavelli's Humanism

Like most of the terms, 'humanism' too is difficult to define, for it refers to different ideas, sometime conflicting, in different times and spaces. But in simple terms it can be defined as a philosophical and ethical position that prefers the value and agency of human beings over the doctrine of faith and belief, the humanists prefers rational and critical thinking than blindly following doctrines of faith. The meaning attached to the term, as already mentioned, has varied from time to time, depending upon the intellectual movement, but generally the term asserts notions of human freedom and development. It is in this sense Machiavelli was a humanist. He was against the medieval perspective of Christianity. He also opposed the ancient and medieval idea of natural right and detested the idea that the world was structured by God or nature based on the principles of right. As the humanist thoughts were at the centre of his intellectual ideas, he also rejected the idea of deterministic universe, in spite of the

fact that he saw some regularities and lawfulness in the universe, and argued for a cosmos that is open to the efforts of the human.

Machiavelli his play *The Mandrake* challenged the popular humanist assumption that when people are educated they will automatically choose virtue over vice. In his famous *Prince* he further criticizes this notion and asserts that people are more likely to respond to fear and that it is power which makes for a good government and not morality. Though he differs from the popular humanistic view of his age, he still stresses on the human faculties and agencies instead of taking refuge in faith and belief.

In his *Discourse* he claims that ‘it is necessary for him who lays out a state and arranges laws for it to presuppose that all men are evil...’ Machiavelli like other humanists lay emphasis on the human potential and agencies, but unlike them he is willing to admit the darkness that lurks within the hearts of men. In his quest for a stable political life, he puts forth a set of laws that shape the trajectory of the movement from corruption to glory and back to corruption. His detailed examination exposes the human nature that is certain contrary to the established stereotypes. On surface, Machiavelli’s analysis reveals human nature as essentially evil, but on a careful consideration an account of a different perspective of human potential for nobility is exposed.

Machiavelli’s view of evil derives its influence from the Augustinian idea of Original sin. But he takes the idea further by amalgamating it with the idea of Roman hope for nobility, and thus suggests that human are either capable of corruption or nobility or both. His humanistic perspective does not accommodate the idea that nature or God will offer humans a particular outcome, and therefore he argues that choosing between corruption and nobility is a matter of human choice.

But the way we choose involves morals, and Machiavelli’s views on morals are quite different and interesting. He rejected the rationalistic tradition ancient Rome and Greece and of medieval Christianity, and proposed a new view of morality. He transcends the confines of amoral and immoral and presents his new perspective of morality, which he claims suits the new way of life, which was just beginning to emerge. He analyses the Roman republic and contrasts the rationalistic tradition of morality of ancient Rome and Christianity and exposes them as inadequate.

Unlike the Romans and the Christians, he proposes a modern view of morality, according to which there are no eternal moral truths prescribed by the God or the nature or the gods. In his most famous book *Prince* he reflects on the this new view of morality and opposes the tradition of natural law of medieval Christianity and somewhat similar views expressed by the stoics of the ancient Rome. Machiavelli asserts that the moral obligation of the human beings are not created by some supreme being or nature or something similar, but are created by the humans themselves as a logical response to the necessity of forming a society and living together. Machiavelli belongs to the social contract tradition of Hobbes, Locke, and Rousseau, which explicitly asserts that morality and laws are not eternal but rational deliberations concerning the requirement and needs of human civilization. It is this tradition that proposed and asserted the possibility of moral progress. If such is the case then no

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action is wrong till the formation of laws, and this was view accepted by the others in the social contract tradition. But Machiavelli, does not consider the time before civilization as completely devoid of values: ‘And no one will ever be so crazy or so wise, so wicked or so good, who will not praise what is to be praised and blame what is to be blamed, when the choice between the two qualities of men is placed before him.’

Based in these modern considerations, Machiavelli proposes a realistic form of liberal political philosophy, which was something common to the humanists of the time. His entire idea of modern liberal republic expresses the humanistic notion that humans are capable of making meaningful choices. This notion can be seen in his recommendation of forming a balanced constitution that includes a high respect for the law, a balance of power between rich and poor, assigning proper place to the every section of society, and power of the executive to respond properly in the time of emergencies. These ideas certainly does not exhibit a deterministic view of morality, laws, and government, instead they exhibit a humanistic and developing perspective of morals, laws and humans.

CHECK YOUR PROGRESS

5. What did Machiavelli understand by humanism?
6. What meaning did morality hold for Machiavelli?

3.2.2 Notion of Liberty

Machiavelli’s idea of liberty is greatly indebted to the Roman legacy and the Florentine civic humanist tradition. Machiavelli defines the free men in the similar style of the civic humanists as those who are not dependent on others, and contrasts their status with the status of the serfs who was bound to the land owned by the feudal lords. Similarly, his definition of a free state is the state which is able to maintain its own laws and freedom. He argues that in a free republic people are able to enjoy their liberty securely only when the civic life is preserved and maintained properly. In *Florence Histories*, he writes that a good and free civic life is established and maintained when the rule of law is prevails in the republic and when the laws aiming at the common good replace the laws supporting the factions. In *Discourse*, he writes that a state cannot be said to be free if the magistrates of this state fear an individual citizen.

For Machiavelli a state is free is it is able to establish good laws and statues which are capable to restraining both the populace and nobility, if they so choose to disrupt the civil and political life or their passions or ambitions go beyond the boundaries of established order. Thus, it is important for a free republic to keep the passions of the both the groups in check so as not to let them go beyond the boundaries of civil laws. An example of free republic is, of course, the Roman republic, in which the public ‘was never servilely obsequious, nor yet did it ever dominate with arrogance: on the contrary, with its own institutions, it honourably kept its place.’ Another example

could be the German cities contemporary to Machiavelli, which 'enjoy freedom and observe their laws in such a way that neither outsiders nor their own inhabitants dare to usurp power there.' For Machiavelli, then, there is a remarkable relation between law and liberty, which he asserts in his Discourse, when he maintains that when one begins to corrupt a law, the liberty of a republic is threatened which initiates its dissolution.

In a monarchy, says Machiavelli, security of liberty can be assured if the king or the prince brings in laws that aim to preserve both security of the populace and his power, and if he does not allow anyone to violate these laws, including himself. If a prince is able to do all this, then the people of the state will enjoy liberty and security. Such is the case of France, where 'people live in security simply because the kings are pledged to observe numerous laws on which the security of all their people depends.'

Even after instructing how to achieve liberty and security in monarchy, Machiavelli claims that it is only in a republic that people can enjoy the true state of liberty and security. For, it is only in republics that people enjoy a kind of liberty that is not present in the monarchies, i.e. liberty of participating in public deliberations, and sitting in offices, and even achieving the highest honours. It was this aspect of liberty that was praised by the Florentine republicans, who considered it to be the most precious good.

This dimension of liberty, argues Machiavelli, is present in republics, in which the parents are rest assured that their children 'will have chance become rulers,' while is absent in monarchies and principalities, for a prince 'cannot bestow honours on valiant good citizens over whom he tyrannizes, since he does not want to any cause to suspect them.' In republic, citizens are rewarded only 'for honest and determinate reasons,' while a prince can easily be persuaded to reward the corrupt, thus compromising this vital aspect of liberty.

Another aspect of political liberty that Machiavelli endorses and which has been pointed out as a distinctive feature of a free state by Roman theorists is freedom of speech or expression. Such freedom is only possible in republic where people enjoy the liberty to express their opinions during public deliberations. Machiavelli remarks that it is good 'that everyone should be at the liberty to express his opinion,' so that 'when the people have heard what each have to say, they may choose the best plan.'

Machiavelli literally recognizes republic with liberty, for it is in republic one can enjoy all aspects of liberty to its full extent. He contrasts monarchy with liberty, and asserts that liberty in its full expression can only be enjoyed in republics. In the opening of *Prince* he writes: 'All the states, all the dominions that have held sway over men, have been either republics or principalities'; after few lines he makes the same distinction but he uses the term 'being free' for republic: 'states thus acquired are either used to living under the a prince or used to being free'. Later in the fifth chapter, he writes: 'when cities or countries are accustomed to living under a prince . . . and they do not know how to embrace a free way of life'.

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In *Discourse* there are various instances when Machiavelli identifies republic with freedom and liberty. To live under the rule of a prince or a king means to not be free, not only in the sense that the person does not enjoy political liberty, for he is not allowed to participate in public deliberations and public offices, and also because his life depends on the will of a man.

Machiavelli both inherited and challenged the traditional and accepted account of liberty and tyranny by the ancient historians, theorists, and renaissance humanists. He disagreed with them in the view that in order to maintain liberty it is important to curb the conflicts of interests and ambitions between the class, as mentioned earlier, he in his *Discourse* showed that the liberty of Roman republic was not only not threatened by such conflicts but in fact depended on conflicts between the aristocracies and the plebs, i.e. the populace. He challenged the civic humanists who praised the Florentine liberty, and claimed that liberty was never maintained properly in Florentine for it often fell prey to the factionalism as it never was able to create a balance between the class interests which is crucial for the preservation of liberty. While talking about the question of appropriate guardian of liberty, he challenged the traditional notion that liberty was better guarded by the aristocracy, and argued in favour of the populace by arguing that the ambitions of aristocracy pose greater threat to republic than the ambitions of the populace.

His idea that liberty is a function of class relations, necessitated a radical alteration in the notion of tyranny, which he thought to be a consequence of efforts made by one class, most likely aristocracy, in order to protect itself from the rivals. Machiavelli's notion of liberty can be understood simply as a function of the public institutions and laws that he called *ordini*: constitutional procedures which aim to divert political ambition towards the public good and away from the factional and private interests. The greatest threat to *ordini* and liberty is the power that the wealthy and ambitious people possess: the power and resources to set up factions that can severely damage the rule of laws, undermine constitution and justice, and the power to restrain and check such ambitions. Machiavelli defines corruption as the subversion of *ordini*, which implies that corruption increases when the political ambition of the state gets limited to the private interests of individuals instead of the common good.

Machiavelli was the first theorist to assert class dialectics as an essential condition for the preservation of liberty. The role of social conflicts in republic and its importance in the preservation of liberty has been a constant topic of debate and deliberation amongst the scholars and theorists, and Machiavelli's contribution to this debate is huge, for it all started with him.

CHECK YOUR PROGRESS

7. How does Machiavelli define free-state?
8. How does Machiavelli see the monarch as?

3.2.3 Machiavelli's Concept of Human Nature

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

It was very natural that Machiavelli should have taken a very low idea of human nature. Men are not generally rational and their emotions lead their actions. His belief that men were wicked and essentially selfish, was similar to that of Hobbes. Selfishness and egoism were the chief motive forces of human conduct. Men were 'ungrateful, fickle, deceitful, cowardly and avaricious', they were good only when it paid them to be good. Men have no general inclination towards goodness and are more easily corrupted than reformed. They are good by necessity and are compelled to form societies in order to live in security provided by the laws of society. The element of fear dominates life more than love. Fear should therefore be personified by a prince. A prince who is feared knows his true position among his subjects. He should be able to create fear in their minds, without the presence of hatred or contempt.

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

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

Machiavelli's theory of human nature has a close family resemblance with the Calvinistic doctrine of Original Sin. He held no belief in the moral progress of man. The standards of ethical conduct were the same in various ages. Similar to Hobbes, Machiavelli entertained a very poor idea of human nature. For him, this idea was essentially bad. Based on this theory, he constructed the entire structure of his political science. 'The great fault of Machiavelli lies in the fact that he builds his theory of state, or rather preservation of state in an environment of fear or prohibitions, a thing which is bound to react rather unfavourably on the moral progress of the state without which neither preservation nor expansion is easy of accomplishment.'

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Before Machiavelli, political thought centered round one problem, i.e., the end of the state. Political power of the state was only a means in the service of a higher end, i.e., securing of good life. Machiavelli's thought is based on the concept that power is an end in itself. Machiavelli, therefore, addresses himself to the discovery of means to 'acquire, retain and expand power'. Machiavelli was the first thinker to use the word state in its modern connotation.

CHECK YOUR PROGRESS

9. What views did Machiavelli have about human nature?
10. Why was Machiavelli's view on human nature different from that of Aristotle?

3.2.4 Machiavelli's Statecraft: *The Prince*

The Prince and *Discourses on the First Ten Books of Titus Livy* are among the best sources to understand Machiavelli's views on the nature and features of statecraft.

The Prince mentions a number of maxims concerning politics. However, it does not just concentrate on the more traditional subject of a hereditary prince; it concentrates on the possibility of a 'new prince'. Machiavelli's advice for hereditary princes and new princess are different. In order to retain power, the hereditary prince has to cautiously maintain the socio-political institutions the people are accustomed to. A new prince, on the other hand, has the more difficult task in ruling, as he first needs to stabilize his new-found power to build an enduring political structure. It means that the prince should not only be concerned with reputation but he should also be willing to act immorally. As a political scientist, Machiavelli's emphasis is on the occasional need for the methodical exercise of brute force, deceit, etc.

As opposed to Plato and Aristotle, Machiavelli insisted that an imaginary ideal society is not the model for a prince to orient himself by.

Machiavelli presents the *Discourses on the First Ten Books of Titus Livy* (*Discorsi*) as a series of lessons on how a republic should be started and structured. It more openly explains the advantages of republics. It includes early versions of the concept of checks and balances, and asserts the superiority of a republic over a principality. It became one of the central texts of republicanism.

According to Machiavelli, 'When a prince, nobility and the power of the people are combined under the same constitution, these three powers will watch and keep each other reciprocally in check.'

Machiavelli writes in *Discourses on the First Ten Books of Titus Livy*: In a well-ordered republic, it should never be necessary to resort to extra-constitutional measures. . . . He supports the republic form of government by saying that the governments of the people are better than those of princes. He adds: 'If we compare

the faults of a people with those of princes, as well as their respective good qualities, we shall find the people vastly superior in all that is good and glorious.’ According to *Discourses on the First Ten Books of Titus Livy*, ‘No prince is ever benefited by making himself hated. Let not princes complain of the faults committed by the people subjected to their authority, for they result entirely from their own negligence or bad example.’

Regarding the differences and similarities in Machiavelli’s advice to callous princes in *The Prince* and his more republican appeals in *Discourses on Livy*, many scholars are of the opinion that *The Prince*, though written in the form of advice for a monarchical prince, advocates the superiority of republican regimes.

Sovereignty and Power Politics

Machiavelli’s *Prince* (1513) is a treatise on the skill of attaining and maintaining political power. Machiavelli explains the things that a prince should do in order to preserve political power, and describes how the power of a prince may be assessed or evaluated. Machiavelli provides reasons to describe why a prince should be sensible in the selection of advisers, and why a prince should be careful in the appointment of ministers to assist in the administration of government. Machiavelli also explains how advisers and ministers can be utilized by a prince to maintain sovereign authority over a dominion. The reasons why a prince should study the art of war and why the power of a prince may depend on the ability to command an army or militia are explained clearly by Machiavelli. He also states how a prince should act in order to gain hold and consent of the people over a dominion, and describes the actions which a prince must take in order to avoid losing military or political power.

Machiavelli argues that a prince may use various strategies to retain sovereignty if the prince gains sovereignty over a dominion which has previously been governed by its own laws. The prince may ruin the dominion of its wealth and resources, thereby rendering it powerless to resist his control. In order to make the new government friendly towards him, the prince may appoint his own friends as leaders of the government. The prince may develop friendships and alliances with those who were opposed to the previous government. The prince can collect private sources of information as to which individuals benefited from the previous government and which individuals may benefit from the new government and may thereby gain knowledge about the motives which these individuals may have for opposing or supporting his own sovereignty. The prince may promote rivalries between competing individuals or groups within the dominion, so that no individual or group can become strong enough to challenge his sovereignty. The prince may try to bring people into his hands by presenting them economic rewards, or may offer them limited self-government. The prince may permit the people of a dominion to elect a government which is devoid of real power or political autonomy, so that the people of the dominion have the illusion of ruling themselves.

Machiavelli argues that for maintaining control over a newly-acquired dominion, a prince must achieve control over the military forces. The prince may disperse the existing army, and may build a new army under his own control. The prince may then use the army to avert any probable threats to his sovereignty. The prince may

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provide a good government to the people of a dominion in order to bolster their submission to his power. International alliances may be developed by the prince in order to achieve his own military and political aims. The resources of government may also be used by him to protect himself against any political opposition.

Machiavelli believes that it is very critical for a prince to be practical than it is for him to be morally good. Machiavelli argues that if moral goodness is a barrier to retain the political power, then a prince must discover how not to be morally good (Chapter XV). A prince must always be focused on what is advantageous if he is to preserve his political power. A prince must appear to be virtuous and honourable to maintain his political power but he does not actually have to be virtuous or honourable. The power of a prince is maintained if he appears to be virtuous and honourable than if he actually is virtuous or honourable.

Machiavelli states that a miserly reputation may be beneficial to a prince and it may allow the prince to manage revenues and expenses more efficiently. The miserly fame of the prince may make the people of a dominion be more disposed to praise him when he does not increase their taxes or try to extract more money from them. Therefore, in some cases, the reputation of miserliness or parsimony can be profitable for a prince than the actual practice of miserliness or parsimony. Similarly, if in some cases being munificent or generous is a hindrance to maintaining political power, then the reputation for munificence or generosity may be more useful to a prince than the actual practice of munificence or generosity.

According to Machiavelli, it is preferable for a prince to be feared than to be loved because a prince who is feared may be confronted with less challenges to his authority (Chapter XVII). There are less chances that the people of a dominion may challenge the authority of a prince whom they fear than they would challenge the authority of a prince whom they love because they are afraid of the harsh punishment that they would receive if they challenge the authority of a prince whom they fear, but they may not suffer any punishment if they challenge the authority of a prince whom they love. Machiavelli argues that a skillful prince will make himself both feared and loved, but if this is not possible, a skillful prince will try to make himself feared without making himself hated by those who are forced to submit to his power. Thus, a prince should avoid appearing as predatory, selfish, fraudulent, deceitful, or arbitrary. However, the reputation for being lenient or cruel, kind or selfish, honest or treacherous, trustworthy or untrustworthy is only important to a prince if it is useful to maintain his political power.

Machiavelli views that power is an end in itself and whatever means are required for a prince to attain and maintain political power is justified. If the aspiration of a prince is to preserve sovereign authority over a dominion, then the prince may consider power to be an end in itself. Being a prince means holding on to political power and if a prince fails in achieving this objective, then he may be forced to surrender his sovereignty.

Machiavelli also argues that it is necessary for a prince to be sly and deceitful in order to maintain political power. A prince may be indebted to be honest and truthful only if honesty and truthfulness are politically advantageous to him. A prince

should attempt to remain in good faith if possible, but should be capable of acting in bad faith, if acting in bad faith is necessary to maintain his political power.

Machiavelli describes the advantages to a prince of being like both a fox and a lion (Chapter XVIII). The fox is clever and cunning, but the lion is powerful and frightening. Thus, the political strategy which is advocated by Machiavelli (and which is known as ‘Machiavellianism’) is a strategy of cunning, deceitfulness, mercilessness and ruthlessness. The defects of this strategy are that it may be used to try to justify devious and unethical conduct, and that it may be used as a strategy to achieve a kind of absolute power over others, leading to tyranny and dictatorship.

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CHECK YOUR PROGRESS

11. What does the *Prince* say?
12. What does a prince do to retain control over a newly-acquired dominion?
13. Why does Machiavelli prefer a prince to be feared by the people?

Separation of Ethics and Politics

The principal claim of this view is that a ruler should believe in the difference between ethical rules and political exigencies, and that he should take political measures on the basis of reality and by keeping in mind the interests and benefits. Anchored to this approach, which is also called political realism, is the consideration of ethics in politics ending in failure in this sphere. It is because the centre of ethics is truth and right, while the aim of politics is interest and benefit. Ethics expects us to tell the truth even though it is against us, not to do injustice, not to take people as our instruments, to be adherents of justice all the time, not to lie, to abstain from deception, not to conceal the truths, etc. But politics requires the abandonment of some principles of ethics. Basically any step in politics begins with opposition to ethics and crushing of the moralities. Any political activity is impossible without ‘the dirty hands’.

Politics is nothing but a ground for the procurement, expansion and preservation of power, which cannot be realized without sacrificing the principles of ethics. After every political step, the abundance of crushed moral virtues is obvious. Therefore, one must choose either ethics or politics, purity or defilement while discarding the other since combining the two is absurd. As a result, ‘All the interests of man who wants his soul to remain pure through piety lie in not doing anything.’

According to a political realist, abiding by ethics in the political sphere is not only disadvantageous but also leads to total loss since he knows: ‘In spite of the moral tales which are for children, virtue remains unrewarding in this world. The real sovereign is power... and moral temptations are signs of weakness of designs.’

Although Machiavelli considers ethics as essential for the life of the individual and indispensable for the continuity of society and social life, he regards affection to it as dangerous for the prince and he alerts the prince or monarch against the danger of piety and says:

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Anyone who wants in all conditions to be virtuous, in the midst of all this wickedness, has no destiny except disappointment. Thus, a prince who would not like to relinquish his crown should learn wicked methods and utilize them wherever needed.

Although Machiavelli views that the possession of virtues is good for the prince, it is so as long as it does not amount to the collapse of his rule. Thus, since we think optimistically, we see it as an attribute which is regarded as a virtue. But its implementation will lead to annihilation of the government.

Though the popularity of the prince is desirable, in case he cannot avoid either the people adoring or fearing him, it is then better if they fear him because in this way they could be controlled and guided better.

No matter how desirable the faithfulness and fidelity of the prince are, it is regrettable that circumstances are not always compatible with the observance of *pacta sunt servanda*.

Life experiences have taught us that the monarchs who have performed onerous tasks are those that have not given any consideration to doing good deeds and have manipulated the people through trickery. Finally, they have prevailed over those who have observed righteousness.

Thus, the ruler must always move in tune with reality, know the value of power and authority, and bear in mind that even among the prophets, those armed had been victorious and 'all the prophets who were fighters triumphed and those who were armless remained unsuccessful'.

There are two ways to gain victory: law and force. Law is peculiar to the human being. Force belongs to the animals, and since the first alternative is not always responsive, the monarch should also learn the second option. It is in this sense that the monarch should know how he could acquire the two temperaments as he will not remain faithful to one of them. So, if the monarch is supposed to learn the style of the wild beast and apply it, he should also learn the style (cunning) of the fox as well as that (brawn) of the lion as the lion cannot escape from traps (deception) and the fox from the clutches of the wolf (power).

Therefore, the shrewd ruler is not supposed to be faithful to his promise when it is to his disadvantage and detriment, and there is no more reason to commit to it.

The Prince is replete with such recommendations. Considering the psychological makeup of the masses, Machiavelli regards them as inherently filthy and wicked, and believes that 'anyone who leans on the people [actually] leans on water'. His main proposal is that 'the people should either be flattered or knocked down'.

There is no middle way; it is either the stick or carrot. Reliance on Machiavelli and quotation of his statements are due to his importance in the history of political thought. There have been innumerable discussions on Machiavelli and his thesis which he dedicated to Lorenzo de Medici (1449–92), the ruler of Florence (in Italy). A group believes that Machiavelli expressed his beliefs in that book and that he believed in whatever he said; thus, he deserves curse and damnation.

But keeping in view his other book entitled, *Discourses*, another group believes that Machiavelli was actually describing the rulers of his time and not prescribing a particular method. At any rate, this discussion is still alive and the first view prevails over the second. Similarly, 'Machiavellian' is an attribute that signifies jugglery and cheating in the sphere of politics. In spite of this, he has been described as 'the first modern political philosopher' and nobody doubts the influence of his thinking and ideas.

Hence, it is true to say that in the field of political thought, Machiavelli can be accepted as well as denied. But, he cannot be disregarded. Machiavelli's 'crime' was that he would reveal whatever the princes were doing, and clearly brought out the essence and consequences of such thinking.

In reality, the theory of Machiavelli has two premises. The first premise refers to ethics and politics belonging to two distinct realms, while the second premise refers to political values being different from those of ethics. The advocates of this view promulgate that the realm of ethics is that of individual realm and his private affairs, while the realm of politics refers to the promise of wholesome social life and regulation of social relations of individuals with one another, as well as with the government. Additionally, moral value is a function of truth, whereas in politics, the measure of value judgment is interests and benefits.

A political act is considered to be good provided that it is beneficial and brings about a positive outcome. This is not the case with ethics. When man is free of the shackles of his personal interests and considerations and moves beyond himself, ethics represents itself. This statement points to the fact that the principle of separation of ethics from politics does not necessarily mean conflict between them. Therefore, political acts and movements of politicians are not always unquestionably repulsive to moral values.

Thus, this tenet is sometimes called the tenet of 'amorality of politics'. It refers to the fact that in politics, we are up against different kinds of values and standards of measurement, and that politics should not be judged on the basis of moral values or be judged within the framework of ethics. Politics in this context is neutral and is not against ethics. However, since in practice, this tenet is not bent on either ensuring or negating ethics, and is only in pursuit of obtaining benefits, it does not abstain from crushing down all the principles and rules of ethics whenever necessary. Hence, this theory throughout history has been equivalent to the negation of ethics and etiquettes.

Other Ideas on Statecraft

Some other important ideas of Machiavelli with regard to statecraft are as follows:

- **'To want that a sect or a republic exists for long, it is necessary to return them often to their principles.'**

According to Machiavelli: 'It is a most true thing that all the things of the world have to have an ending to their existence. But these only run the entire course that is generally ordained by Heaven, which does not disorganize their body, but keeps it so organized that it is not changed, or if it is changed, it is for its welfare and not its injury.'

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Machiavelli opines: 'There is nothing more necessary in a community of men, either as a Sect, or Kingdom, or Republic, than to restore it to that reputation that it had at its beginning, and to endeavour to obtain either good ordinances or good men to bring about such a result, and not to have an extrinsic force to do it.'

- **'Princes should understand what makes a king lose the kingdom that was inherited by him.'**

According to Machiavelli:

Princes should understand that they begin to lose the State from that hour when they begin to break the laws and ancient institutions under which men have lived for a long time. And if as private citizens, having lost the State, they should ever become so prudent to see with what facility Principalities are kept by those who are counselled wisely, they would regret their loss much more, and would condemn themselves to greater punishment than that to which others have condemned them: For it is much more easy to be loved by the good than the bad, and to obey the laws than to enforce them.

- **'A captain cannot avoid an engagement if the adversary wants to do so in every way.'**

Machiavelli says:

When an error is followed in which all or a greater part of men deceive themselves, I do not believe it is bad sometimes to refute it. Therefore, although I have many times before shown how much the actions concerning great things are different from those of ancient times, none the less, it does not appear to me superfluous at present to repeat it. For, if we deviate in any part from the institutions of the ancients, we deviate especially in military actions, where at present none of those things greatly esteemed by the ancients are observed. And this defect arises because Republics and Princes have imposed this charge on others, and to avoid the dangers have far removed themselves from this practice: and even if a King of our times is sometimes seen to go in person, it is not to be believed therefore that methods meriting greater praise will arise; for even if he does follow that practice, he does it for pomp only, and not from any other laudable reason. Yet these make less error in showing themselves with their armies while retaining for themselves the title of Commander, than do the Republics; and especially the Italian ones, which, trusting in others, do not understand anything of what pertains to war, and on the other hand wanting ((in order to appear as a Prince to them)) to decide things, make a thousand errors in such decisions.

- **'In wanting an army to win an engagement, it is necessary that the army have confidence both in themselves and in their captain.'**

For an army to win an engagement, it is essential to make it confident so that it believes it can win in any circumstance. The things that make the army confident are: (i) it is well armed and organized and (ii) each man knows the other. Only when the soldiers are natives and live together, this confidence or

discipline can result. It is also essential that the Captain is esteemed in such a way that soldiers have confidence in his prudence. The captain should be orderly, watchful and courageous. He should maintain the majesty of his rank by a good reputation. He should punish the soldiers for their errors, should not fatigue them in vain, should observe his promises to them, and should show them that the road to victory is easy.

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- **‘Using deceit in a war is a glorious thing’**

According to Machiavelli, although deceit in every action is detestable, it is a laudable and glorious thing in managing a war. A man should be lauded as much for overcoming the enemy by deceit as he is for overcoming them by force. However, deceit is glorious only when it makes you break your trust and treaties that you made, because sometimes deceit may acquire a State and a Kingdom for you, but it will never acquire them for you gloriously. Machiavelli approves only the deceit which is employed against the enemy who distrusts you, and which is employed for managing a war.

- **‘One’s country should be defended, whether with ignominy or with glory.’**

According to Machiavelli, one’s country should be defended, whether with ignominy or with glory. It should be defended in all possible manners. Your country should be saved in whatever way, and it should be well defended in whatever way it is defended, either with ignominy or with glory. Machiavelli says: ‘Which thing merits to be noted and observed by any citizen who finds himself counselling his country; for where the entire safety of the country is to be decided, there ought not to exist any consideration of what is just or unjust, nor what is merciful or cruel, nor what is praiseworthy or ignominious; rather, ahead of every other consideration, that proceeding ought to be followed which will save the life of the country and maintain its liberty.’

- **‘Promises made by force ought not to be observed.’**

According to Machiavelli, glory can be acquired in any action. Although it is ordinarily acquired in victory, it can also be acquired in defeat either by showing that this defeat was not due to your fault, or by quickly doing some act of virtue which counteracts it. It is not a disgrace not to observe those promises which were made by force. There are many examples of this in history. Machiavelli believes: ‘Not only are forced promises not observed among princes when that force is removed, but also other promises are not observed when the causes for making those promises are removed.’

Criticism of Machiavelli’s Statecraft Theory

The drawbacks of the statecraft theory of Machiavelli may be listed as follows:

- Nowhere in *The Prince* or *The Discourses* has Machiavelli clearly made morality or ethics his concern. He also does not openly eschew it.
- Virtue and vice are not seen so much as black and white as interchangeable shades of grey..

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- There is an expression of a clearly thought-out political programme in all the books of Machiavelli. In each case, Machiavelli harks back to the ancients to comment on recent events and to use them as exemplars.
- Nowhere does Machiavelli try to form any new political model. He is quite content to work within the limits set by contemporary politics. In fact, much of what he says is subscribed to by other contemporaries.
- Almost the same ideas with often the same examples are expressed separately in *The Prince* and in the *Discorsi*.
- According to critics, if there is an ethics in *The Prince* at all, it has not been specially moulded by Machiavelli. It is merely an expression of the practical ethics of his times.
- Machiavelli is not concerned much about ethical nuances. Even though a republican, he does not mind dedicating his book to the conquering prince. In both the *Discorsi* and *The Prince*, the Duke Valentino is as much his ideal ruler as those from republican Rome.
- The major concern of Machiavelli is how states should be run and not how morals are to be followed.
- In *The Prince*, one finds a few discrepancies. If we go by Aristotelian ethics, the idea of temperance occupies a primal position. Temperance involves a mean position between absolute goodness and absolute badness. Machiavelli speaks differently. It is either being totally good or totally bad.
- *The Prince* carries in it an ethics of political convenience. It does not preclude morality, virtue or Christian values entirely but allows them only when opportune.
- *The Prince* sanctions in cold blood, massacres, deception and betrayal given that the state benefits from this.

CHECK YOUR PROGRESS

14. What does Machiavelli say about virtue?
15. What is the base for Machiavelli theory on crime?

3.3 MONTESQUIEU

Montesquieu was a French social commentator as well as political thinker who is considered to be among the first to extend comparative methods of classification to the political forms in human societies. He is popularly known for his articulation of the theory of separation of powers. Montesquieu divided political power into three wings of governance: the executive (monarch), legislature (parliament) and the courts of law (judiciary). This was a radical idea because it completely eliminated the three Estates structure of the French Monarchy—the clergy, the aristocracy, and the people

at large represented by the Estates-General. This would erase the last vestige of a feudalistic structure.

According to Montesquieu there were three main forms of government—monarchy, republic and despotism. Each of them was supported by a social ‘principle’: Monarchies (free governments headed by a hereditary figure, such as king, queen, emperor). They rely on the principle of honour. Republics (free governments headed by popularly elected leaders) rely on the principle of virtue. Despotisms (enslaved governments headed by dictators) rely on fear. Likewise, Montesquieu divided the society into three classes, namely the monarchy, the aristocracy and the commons.

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3.3.1 Sociology of Liberty

Montesquieu’s idea of liberty is one of the major themes of his famous book *The Spirits of the Laws*. In fact, his notion of liberty is the subject of more than one chapters of *The Spirits of the Laws*. Montesquieu’s idea of liberty is, probably, the most important of all of his ideas in the history of political science. He begins by addressing various conceptions of liberty and acknowledges that the term has made quite varied impressions on the human mind throughout history. For some, the term meant the power to force a tyrannical leader out of the office, while others took it to be the power to choose a new leader whom they can obey, yet others believe that liberty means the licence to violence, and there are those consider it to be the right to be governed by one of their own, i.e. native of their nation, or by laws which are their own. He mentions that a nation for certain period of time thought that liberty meant the privilege of wearing long beard.’ he continues, ‘Some have annexed this name to one form of government exclusive of the others: those who had republican taste applied it to this species of polity: those who liked monarchical state gave it to monarchy.’

It is clear that people applied the notion of liberty to the form of government they were most inclined to and considered most suitable. Liberty is generally said to reside in the republics because of the boundaries within which the magistrates have to work, and the lack of it is why monarchies are considered to be barren ground for liberty. The kind of government which is considered to be most free is democracy, for in this kind of government people behave almost as they please. But the problem here is that the notion of power of the people is taken for the notion of liberty.

What then is liberty? Liberty does not mean exercising unlimited freedom, i.e. the freedom to do what one wills. Given all the meaning associated with the term, Montesquieu attempts to be very precise in defining the term. This is how he defines liberty in relation to the constitution, or in other words political liberty. In other words, political liberty is the sense of security that the citizens feel while acting within the confines of the law. Such security can only be felt in the state which is governed by the law, and therefore the liberty in relation to the constitution is the sense of security one has while doing what is permitted by the law. But if one goes beyond the law, he would no longer have the liberty, for his fellow citizens would also then do things which are beyond the confines of the law, and therefore he would lose the sense of security, and thus liberty. For instance, if a person kills

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someone, then others can do same to him, and thus his sense of security is gone, and so is his liberty.

The other kind of liberty that Montesquieu mentions is the civil liberty, which he does not define, but still the meaning of civil liberty is expressed from the fact that the relation it shares with the chattel slavery is the same relationship that political liberty shares with despotism, i.e. the logical contradictory relation. Interestingly there is a wide difference civil and political liberty, but civil and political slavery do not share the same width of difference, in fact they are hardly distinguishable.

Montesquieu's primary idea was to create an institution or system which best suits his idea of political liberty. He claims that this kind of liberty is found only in the governments which are moderate. The idea expressed here is the limitation of the power of government. For Montesquieu the only way for the liberty to exist is when the power of government is subject to limitation, and perhaps this is the reason behind the fact that he is not interested in the idea of sovereignty. He does not care to define or discuss the concept of sovereignty, for unlimited power of freedom that it signifies is not compatible with Montesquieu's idea of liberty, irrespective of whether this unlimited power is possessed by one single man or a bunch of people in the government or entire citizen.

But even when the power of the government is limited, the liberty is not ensured because of the abuse of power, and therefore, to ensure liberty it is essential to make sure that the power is not abused. But experiences show us that power is one thing that is most likely to be abused by one who possess it, and also most likely to be extended to its extreme limits.

As a solution to this problem, Montesquieu suggests that 'it is necessary, from the very nature of things, power should be a check to power.' In other words the constitution of the government should be such that 'no man shall be compelled to do things to which the law does not oblige him, nor forced to abstain from things which the law permits.' The constitutional system should be arranged as such that it is capable of checking one power by another.

Montesquieu claims that in spite of the fact that governments have same end, i.e. preservation, their ends are different. And he finds that the only known constitution that has political liberty as its 'direct end' is English constitution. Montesquieu then goes on to examine the founding principles of political liberty, and claims that if these principles are good and sound, the result, i.e. political liberty, will emerge in the best possible form.

Montesquieu analyses the English constitution, for according to him is the only constitution that has all the checks and balances of power necessary to ensure that the power is not abused and thus political liberty is achieved. It is in this analysis he famously talks about the separation of powers, which we will look at in the next section. His entire discussion of the English constitution is inspired from the ideas of John Locke, but Montesquieu adds something very important to it. At first he classifies the three powers which essentially characterizes every state in the vain of Locke as: Legislative, federative, and executive. But in the very next paragraph he adds his own amendment to this classification of power, and assigns the name executive for

what had been called by Locke as federative, and adds judicial as the third. Thus for the first time in the history of political theory appears the classification of the power of government which is current even today. It should, however, be kept in the mind that till now none of the three powers of the government as mentioned by Montesquieu is concerned with the legislation beyond the confines of both civil laws and the laws of the nation. His executive power deals with war and peace, public safety, and invasion; his judicial power deals with idea of punishing the criminals and settling dispute between the citizens of the state.

Further discussion of Montesquieu's idea of the separation of power, and how checks and balances are applied in the constitution to ensure the highest possible form of political liberty is the subject of the next section.

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CHECK YOUR PROGRESS

16. What was Montesquieu's biggest contribution to the world?
17. What are the types of liberty Montesquieu talk about?
18. Give Montesquieu's definition of constitutional liberty?
19. How, according to Montesquieu, liberty survive?

3.3.2 Montesquieu Argument of Liberty

There is hardly any doubt that for Montesquieu the idea of political liberty is very important, but at the same time it is not conclusive in itself. In other words, it is possible that the citizen of state may not feel the sense of security, which Montesquieu so famously describes as the essence of liberty, in spite of the inclusion of all the feature that we have seen above in the constitution of the state. We have already seen that political liberty arises from the way three powers are distributed, as far as the liberty in relation to its subject are concerned it is important to look at customs, manner, and certain civil laws. Political liberty, as we have already seen, consists in the sense of security. Montesquieu claims that this sense of security is threatened most in the private and public accusation. He argues, that in order for this to not happen it is important to frame laws regarding the accusation of crime on sound principles. Thus, it can be concluded that 'it is . . . on the goodness of criminal laws that the liberty of the subject principally depends.'

Let us now look how criminal laws should be in order to ensure the liberty of its subject. Montesquieu argues that even in states that sought liberty the most, one can see the absence of criminal laws. History is ridden with examples. It was Clotarius, who under the first kings of France, made the law that no one should be punished without an official hearing. For the first time penalties against the false witnesses was established by Charondas. Montesquieu writes: 'When the subject has no fence to secure his innocence, he has none for his liberty.'

The essence of liberty depends on the practice of the knowledge regarding the 'surest rule to be observed in the criminal judgement' to the extent that

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Montesquieu argues that a person tried and sentenced to death in state with perfect criminal laws has much more liberty than a monarch of barbaric state. Liberty in its highest form is witnessed when the punishment of a crime is derived from the punishment itself, which means that the decisions to punish is not arbitrary and does not depend on the whims and impulses of the legislator, instead it is derived from the very nature of the crime.

Montesquieu distinguishes four kinds of crime: concerning religion; concerning morals; concerning the tranquillity of the public; and concerning the security of the subject. It is from the very nature of these crimes that the punishment inflicted on the accused should proceed from.

In the first category of crime, i.e. crime concerning religion, Montesquieu only includes acts of simple sacrileges. He argues that the crimes that cause disturbance in the religious practices should be treated under the category of third and fourth categories, they are of the nature concerning the tranquillity or security of the subject. And the punishment for simple sacrileges, when derived from the very nature of the crime, should be the exclusion of the accused from all religious societies, depriving him from the advantages offered by the religion, and his expulsion from religious or spiritual events of all kinds.

When an act is committed against the security or tranquillity of the state, such actions are punishable by human beings, but when an act is committed to offend gods, the act cannot be criminal, for there is no public act involved. If at all there is a matter, it is between the man and the god, and god can punish for himself. But if a magistrate tries to inquire into such actions, which is beyond his jurisdiction, writes Montesquieu, then 'this inquisition would be directed to a kind of action that does not at all require it; the liberty of the subject would be subverted by arming the zeal of timorous, as well as of presumptuous, consciences against him.' Thus it is clear that an attempt made to punish a man who is accused of having committed a crime against god is breach of his liberty.

The idea of punishment of such crimes proceeds from the notion of 'avenging the cause of the Deity'. But such notions are not justified for human laws, which is finite, cannot possibly avenge the cause of an infinite being, and if they were to avenge the cause then they will not be directed by the weakness and finitude of the man but the infinity of the deity; and therefore it only wise to leave the gods to avenge their causes.

In the class of crimes that concerns morals, Montesquieu includes the 'violation of public or private continence; that is of the police directing the manner in which the pleasure annexed to the conjunction of the sexes is to be enjoyed.' The punishment for the crimes of this category should also proceed from the very nature of the crime. Therefore the punishment of crime concerning morals should be deprivation of advantages that society attaches to the 'purity of morals, fines, shame, necessity of concealment, public infamy, expulsion from home and society, and, in fine, all such punishment as belong to a corrective jurisdiction'. The idea here is to punish with the corrective intention and not just the intention of punishment, for Montesquieu believes that 'there things are less founded on malice that on carelessness and self-

neglect.' It should be noted that the crimes in this categories are only those which are concerning the morals, and therefore the crimes such as rapes should be treated under the fourth category, for it threatens the security of the subject.

The third category is that of the crimes which threaten public tranquillity and therefore, the punishment should proceed from the very nature of the crime, and therefore should relate to tranquillity. For instance, imprisonment or exile. The idea of punishment here is to make the criminal accept and follow the confines of the established rules and laws. It should be noted that in this category comes only those crime which disturbs the public peace, and therefore, those crimes which disrupts the public peace and threatens the security of the subject simultaneously should be treated under the fourth category.

The punishments for the crimes committed under the fourth category, i.e. crimes which attack the security of the subject, are sort of retaliation of the society against the criminal by refusing him security who has deprived another human of his security. Such punishment must also come from the nature of the crime committed. For instance, if one has attacked the security of someone to an extent of depriving him of his life, then the criminal should be punished with death. If the crime is committed against the security with regards to property, then the punishment inflicted upon should also be the loss of property. Though in some case capital punishment may also be justified. The punishment of loss of property is valid only when both had common or equal wealth or property. But it has been seen that those who do not have any property of their own are most likely to attack the property of others, the punishment in such cases should be corporal instead of pecuniary.

If the punishments of the crimes committed are proceeded from the very nature of the crimes committed, then and only then the liberty of the subject can fully be ensured.

Montesquieu then goes on to discuss other crimes which do not fit in the categories mentioned above. He cites two crimes, the accusation of which, he thinks, can injure the liberty of the subject. These two crimes are: witchcraft and heresy. And therefore he recommends extreme circumspection, without which the accusation of these crime may lead to excessive oppression of the subject. The reason is simple. These crimes do not 'directly point at a person's actions, but at his character, it grows dangerous in proportion to the ignorance of the people; and then a man is sure to be always in danger, because the most exceptional conduct, the purest morals, and the constant practice of every duty in life are not a sufficient security against the suspicion of his being guilty of the like crimes.'

Regarding crime against nature, i.e. sexual acts that were considered as unnatural, Montesquieu discourages the severe punishment of death by fire, but at the same time he does not deny the public horror against such crimes. He suggests the possible abuse of the very horror during the accusation of such crimes, and says that it is very odd to punish for witchcraft, heresy, and crime against nature with fire, for the first can be proved to not exist, second can have various interpretations and limitations, and third is uncertain and obscure.

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Montesquieu claims that there would be no crimes against nature in the society if it is not prompted by certain customs, and therefore there should be no such customs which have the potential to prompt such crimes. Similarly, Montesquieu discusses various kinds of acts and the punishment that should be inflicted upon for them. He recommends no punishment for thoughts, and speech. For the former in not an overt act, and the latter has no significance in itself, as it is open to interpretation and depends on the tone in which the speech has been uttered.

Montesquieu's idea of criminal laws and the way it relates to the liberty of the subject proved very influential and it transformed the criminal justice system throughout the Europe. His ideas, such as death penalty should not be inflicted on the basis of a single witness, and the punishments should derive from the character of the crimes committed, and so on, forever changed the shape and structure of criminal penalty system and the way it corresponds to the liberty of the citizens of a state.

CHECK YOUR PROGRESS

20. According to Montesquieu, what threatens the sense of security?
21. What are the types of crime Montesquieu talk about?

3.3.3 Theory and Importance of Separation of Power in State

Montesquieu's name is associated with the principle of the separation of powers. His authority upon later thought and upon the development of organizations far outstrips, in this relation, that of any of the previous writers. It is quite clear that Montesquieu did not create the principle of the separation of powers, and this is what he mentioned in Book XI, Chapter 6 of the *De l'Esprit des Loix*. He adapted them from contemporary English writers, including John Locke. Montesquieu, however, added new ideas to the principle; he stressed certain elements in it that had not formerly received much attention, specifically pertaining to the judiciary, and he accorded the principle a more significant position than did earlier writers. Though, Montesquieu's influence cannot be assigned to his originality in this aspect, but rather to the way and timing of the principle's maturity in his hands.

Even before the printing of *De l'Esprit des Loix*, Montesquieu had become extensively popular and respected through the printing of the *Lettres persanes* and the *Considérations sur les causes de la grandeur des Romains*. The publication of his grand work was awaited with eagerness, and, once it appeared in the market, it rapidly ran through quite a lot of editions. When the work was published it was not found to be a piece of transient political propaganda, as is the case with many of the writings. It was prepared in twenty years, and was meant to be a scientific study of government, including extensive research on history, and accounting for all the causes that affected the political life of man. In his Preface, Montesquieu, clarified the aim of his work, saying 'I have laid down the first principles, and have found that the particular cases follow naturally from them; that the histories of all nations are only consequences of them; and that every particular law is connected with another law,

or depends on some other of a more general extent.' These standards are not drawn from the writer's bigotries, but 'from the nature of things.'

Montesquieu proposed to show the manner in which every state's laws are connected to the nature and standards of its form of government, to the climate, soil and economy of the country and to its modes and traditions. Such kind of a scientific approach rules out the expression of individual likes and dislikes: 'Every nation will here find the reasons on which its maxims are founded.' No complete solutions are suggested; only the necessary ties between the kind of government and the laws are described. Montesquieu's work gets a status that no other political pamphleteer could claim due to his claim to scientific detachment. The principle of the separation of powers is set in this analysis of cause and effect in the political arrangement. It is not at all an isolated doctrine, which is picked up when political gain makes it expedient, and given up when it is no longer required. It is part of the ties of a specific type of legal system; and in addition, it is an essential characteristic of that arrangement, which has political liberty as its direct endeavour. *De l'Esprit des Loix* was claimed to be the first methodical treatise on politics ever since Aristotle. It was not just a desiccated, boring discourse for the experts only, but instead it was a work of sparkling style, which made it an object of attention for all knowledgeable men. Indeed, Voltaire sarcastically remarked that it was Montesquieu's style alone that salvaged a work so full of errors.

De l'Esprit des Loix came out from press in 1748, and became available at the starting of a period of great transformation and development in Europe and the USA. Concepts that had flourished in the English Civil War, but which had been untimely and impractical in the context of the then existing society, could now stumble on fertile ground in the British colonies of North America and in France. During the next fifty years, men were assigned the task to build new institutions, to try to set up new systems of government. These systems were the ones in which it was easy to get better help, the laws of all governments were well explained and none were more understandingly treated than those types of government that set bounds to the exercise of arbitrary power. For although Montesquieu held to be unbiased, his love for moderate government excels through the whole work, whether he describes a moderate monarchy or a moderate republic.

Montesquieu's approach resulted in a good deal of baffled speculation about his own loyalties. It is not clear whether he claimed that monarchy was the best kind of government, or that he believed in a mixed system or he favoured a republican system. Proof for all these viewpoints can be established in his great work, and, certainly, it was the very fact that the *De l'Esprit des Loix* can be pressed into service in support of extensively differing views that added to its authority. Montesquieu was being quoted as an authority in England, France and America by the end of the eighteenth century. He was referred to as presenting conclusive evidence of the appropriateness of incredibly different systems of government.

Montesquieu began from a pretty gloomy view of human nature, in which he envisioned man as exhibiting a common tendency towards evil, an inclination that manifests itself in selfishness, arrogance, envy and the seeking after power. Man, although an animal that can even think, is led by his wishes into immoderate acts. Of

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the English, Montesquieu wrote that ‘A people like this, being always in ferment many be more easily conducted by their passions than by reason, which never produces any great effect in the mind of man.’ In the sphere of politics, this calls for the maximum consequence. ‘Constant experience shows us that every man invested with power is apt to abuse it, and to carry his authority as far as it will go.’ On the other hand, this inclination towards the misuse of power can be restrained by the constitution of the government and by the rules, for, though by no means a starry-eyed utopian, Montesquieu, like the Greeks, held that the character of the State’s constitution is of the maximum consequence. Therefore, Montesquieu started his work with an explanation of the three different kinds of government, their nature and their rules, for if he could ascertain these, then the rules would ‘flow thence as from their source.’ Let us discuss the manner in which Montesquieu dealt with this issue of being in charge of power.

Separation of Powers

Montesquieu described three kinds of government, which are as follows:

- **Republican:** In it, people have the supreme power. Republican government can be further divided as follows:
 - **Aristocracy:** It is a state in which the ultimate power rests in the hands of a part of the people. Though it is a moderate kind of government, still the legislative and executive powers rest with the same person.
 - **Democracy:** In a democracy the government starts becoming corrupt when the people try to govern directly and attempt ‘to debate for the senate, to execute for the magistrate and to decide for the judges.’
- **Monarchical:** In a monarchy, a single person rules through fixed and well-established laws.
- **Despotic:** In a despotic kind of government, an individual manages everything by his own will, whim and fancy. There can be no control to the authority of the prince, no limitations to protect the individual—the concept of the separation of powers in any variety is distant to despotic governments.

Thus, Montesquieu meant that some kind of separation of powers is required to a democracy, but he did not elaborate this point. The significance of this point to contemporary states is in any case relatively slight, as Montesquieu considered that democracy was only appropriate to small societies. The most comprehensive treatment he gives of institutional checks to authority, therefore, is to be found in his debate of monarchy and of the English Constitution. These two discussions, though clearly linked in spirit, appear to be drawn from fairly dissimilar sources, and to depend upon diverse rules. Each system is admired for its virtues, but it is hard to say that Montesquieu noticeably favoured one above the other.

The diverse elements in Montesquieu’s approach to the management of power can be attributed to his two chief sources of motivation. In addition, the influence of English writers, particularly Locke and Bolingbroke, is obvious. Since, the beginning of the Civil War, the quantity of translations of English works on politics, and of

French commentaries on England, had increased. It reached large proportions during the early eighteenth century.

By 1748 he had established the tripartite division of government roles in a visibly contemporary form. However, in the ensuing two hundred years, a good deal of transformation still had to happen in the exact connotation of these ideas, but fundamentally the pattern was now set. To legislate means to formulate the law; to execute is to implement; the judicial power is the proclaiming what the law is by the conclusion of disputes. These functions wear out all the 'powers' of government, and they can be obviously differentiated from one another. Every government function can be a part of one or other of these sections. He also formulated the concept of three *branches* of government—executive, legislature and judiciary. This was enough for the analytical partition of agencies and roles.

Montesquieu considered that each role should be exercised by the proper agency of government, and that he moreover held that the workers of the three branches should not coincide. It was realized at a later stage that he did not uphold the pure principle of the separation of powers, for he mixed it with the concepts of mixed government and checks and balances; though, that he did claim that each agency should exercise, in the main, only its own roles, is also absolutely clear.

'When the legislative and executive powers are united in the same person, or in the same body of magistrates, there can be no liberty. . . . Again, there is no liberty, if the judiciary power be not separated from the legislative and executive. Were it joined with the legislative, the life and liberty of the subject would be exposed to arbitrary control; for the judge would then be the legislator. Were it joined to the executive power, the judge might behave with violence and oppression. There would be an end to everything, were the same man, or the same body, whether of the nobles or of the people, to exercise those three powers, that of enacting laws, that of executing the public resolutions, and of trying the causes of individuals.'

The delegating body should not exercise the executive function, since it is not suitable for it. The legislature should not be able to charge the person commended with the executive power, as this would convert the legislature into a body with arbitrary authority. One cannot close the eyes to the clear connotation of these words. Montesquieu held that a variety of functions of government should be handed over to separate agencies of government, which would be principally independent of one another in the exercise of these roles.

Should the workers of the agencies be quite different, or should an extent of overlapping be permitted, or does it not matter by any means? Montesquieu speaks very less on this point compare to the other elements; however, there are strong suggestions of his line of thinking. While writing about monarchy, he does not imagine a separation of legislative and executive roles in practice, so the question of workers does not come up; however, he does convey shock at the concept that royal ministers should also sit as magistrates. He says that there is a sort of 'contradiction' between the princes' ruling body and the courts of judicature. The former needs to have a certain passion in the carrying out of its affairs by a few men who recognize themselves with its task; whereas, the courts call for a certain '*sang-froid*' and a

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measure of lack of interest on the part of the adjudicators. Once again there is this stress upon the neutrality of the judiciary. In his argument of the judiciary in Book XI, he is less unambiguous, but the nature of the choice of the judges, or rather juries, is such that the issue of whether or not they should at the same time be legislators, or in the service of the king, barely seems to arise. These *ad hoc* juries are so temporary that the issue of the overlapping of association with the more professional and everlasting members of the other branches does not crop up.

Montesquieu dealt with the difficulty of the separation of the workers of the legislative and executive divisions in the constitution of liberty extremely implicitly. He considered the servants of the king, other than ministers, in a very small category and so there was no great possibility for debates of the degree to which they should be permitted to be legislators as well. However, he supported the English writers who denounced corruption of legislators, saying that the English State will decline 'when the legislative power shall be more corrupt than the executive.' Though, one very significant change from the modern English theory that he made, concerning the work of the executive and legislative divisions, must be noticed here. The English writers envisioned that the legislative power would be held mutually by King, Lords and Commons, even though the King's role might be only a negative one. This distribution of the legislative power was the base of their theory of the balanced constitution, and it remained to be so even after Montesquieu's work had come to be known as a eulogy of the English Constitution.

Montesquieu did not try to find solution to the problem of the overlapping of the government agencies' workers. He surely did not issue a general exclusion. It is awkward that he did not make direct reference to the issue of place-bills, which had been so significant in England. However, the spirit of what he wanted to say is clear enough, i.e., whenever the question of the exercise of real power arises, the government agencies should not come under the control of an individual or group of persons. 'When the legislative and executive powers are united in the same person, or in the same body of magistrates, there can be no liberty.'

Montesquieu, having shown great faith in the authority of constitutions to shape the public character of a State, was however adequately aware of sociological need to see the significance of having the indispensable parts of the State as representative of diverse interests in society; and so he adapted the doctrine of mixed government to the reinforcement of a system of separated powers, so that the varying 'passions and interests' of the diverse classes of society should make sure that no one man or group of men get the hold of arbitrary power. This does not really mean that he gave up the idea of the separation of powers. It still remained as the base of the constitution of liberty, as he often reasserted, but definite, quite specific and restricted powers were attributed to the executive to allow it to control the legislature, and to the legislature to control the assistants of the executive. These control instruments did not comprise a 'fusion' of powers; they were bonds between the divisions of government, each limited to the exercise of its proper role. The practical issues of these controls, the extent to which they embodied a chance for coordination, or on the other hand for deadlock, between the divisions, was not yet visibly distinguished, though Montesquieu discussed the nature of party politics in

England, with its separation of the legislative and executive authorities. Thus, he clearly did see a broad division of roles among different agencies of government, with a separation of worker, to which was added the want for a set of positive checks to the exercise of authority by each of the two chief, permanent, agencies of government to avoid them from abusing the power given to them. The concepts of independence and interdependence which Bolingbroke explained are helpful here for the explanation of this system. Without a greater extent of *independent* power in the hands of each division they cannot be said to be *interdependent*, for this needs that neither shall be inferior to the other. At the same time, an extent of interdependence does not obliterate the indispensable independence of the divisions.

Montesquieu knew about the issue of ensuring that a system of government so satisfactorily balanced should not lead to complete deadlock, that the three branches, King, Lords and Commons, by just opposing each other should not produce just a state of 'repose or inaction.' But he dismissed the difficulty by arguing that in the nature of things, they are pushed to move (*par le mouvement nécessaire des choses*), and forced to move with each other. The question is if he envisioned the state as an organic unity in which the eloquent parts formed a single unit exercising the supreme power, or if he destroyed the unity of autonomy by splitting it up into parts that were to be allocated among quite distinct, autonomous bodies, related to one another in a mechanistic fashion only, is almost certainly impossible to answer, since it is uncertain if he ever devised the difficulty in either of these ways. He seems to have a unitary opinion of the sovereign power when he explains his three kinds of state in the earlier books of *De l'Esprit des Loix*, but there is little sign to his approach in Book XI, Chapter 6. On the problem of legislative dominance he seems, though less unambiguously, to hold much the identical position that has been attributed to John Locke. The legislative role is rationally prior to the rest in the logic that the executive and judicial roles are concerned with implementing the law; but the legislative division must be restricted in its power to obstruct the acts of the executive division, otherwise the former will be able to exercise arbitrary authority. Montesquieu does not, however, stress the pre-eminence of the law, or of the legislative role, to anything like the extent Locke had done, and as a result, there seems to be a good deal of more difference between them on this issue than was possibly the case.

3.3.4 Criticism of Montesquieu's Theory

The spirit of his age is reflected in Montesquieu's writing. It was a time of libertinism and Enlightenment. His excellent social links, his energetic and vigorous style, his rationalism and his promotion of political liberty made him an admired writer both in France and other European countries, mainly England. Another main figure of the French Enlightenment, Voltaire, who found Montesquieu too conservative, was one of his early critics.

Early American political leaders liked Montesquieu's work, citing *The Spirit of the Laws* very often. John Adams, Alexander Hamilton, Thomas Jefferson and James Madison knew very well about the work, and many critics opine that it was a great influence on the US Constitution. This is actually ironical as Montesquieu

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proffered aristocratic features of the monarchy instead of the republic. This may explain why Jefferson believed the work as ‘a book of paradoxes.’

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Later critics also opined that Montesquieu’s technique was not always sound, that his rationale was obscured by his shrewdness, and that he was thoughtless in not predicting the French Revolution. Emile Durkheim, a leader in the setting up of the contemporary discipline of sociology, considered Montesquieu as one of the field’s leading predecessors, but however took him to task for his vocabulary. Intellectuals of the twentieth century continued to focus on Montesquieu’s concept of the republic and his inputs to American politics; however, Anne M. Cohler noted that the fit was awkward, given Montesquieu’s aristocratic inclinations. He stressed on liberty but did not feel that all people could bear liberty evenly well. Montesquieu’s concept of the despotic state has also come under criticism recently, especially his portrayal of a despot in *The Persian Letters*.

Robert Shakleton, a foremost Montesquieu scholar of the twentieth century, maintained that his concepts about despotism were powerfully influenced by Machiavelli, and, as Durkheim opined, his models were mainly oriental. According to Roger Boesche, Montesquieu’s doubts about despotism were based in a distrust of both an excessively strong monarch and an excessively strong merchant class; thus, Boesche argued, Montesquieu came up with two conflicting definitions of despotism to meet each requirement. Since, the satire and criticism carried in *The Persian Letters* is mainly symbolic, several critics have opined that Montesquieu intended new targets. Especially, some critics have discovered in *The Persian Letters* a strong pro-feminist feeling. Following the intellectual custom of Pauline Kra, who termed the work as a ‘feminist manifesto,’ Diana J. Schaub offered a book-length treatment of this subject, observing Montesquieu’s understanding towards women of the seraglio as well as his positive opinion of feminine sexuality. Christopher Betts opined that certain parts of the work are also anti-Christian. At last, critics of the later twentieth century stressed on the significance of commerce to Montesquieu’s theory of politics. Stephen J. Rosow, Judith Shklar and Pierre Manent debated that economic ties are very closely tied to the doctrines of virtue and honour that Montesquieu envisioned as the base of both republican and monarchical form of government.

CHECK YOUR PROGRESS

22. From whom did Montesquieu get the idea of separation of power?
23. What types of government has Montesquieu talked about?

3.4 SUMMARY

- The political and intellectual tendencies of the medieval age greatly influenced Machiavelli.

- In the period of turmoil, Machiavelli wrote his voluminous book *The Prince*.
- Machiavelli got his inspiration from Aristotle.
- Machiavelli's theory of human nature has a close family resemblance with the Calvinistic doctrine of Original Sin.
- Machiavelli not only separated morality from politics, but also relegated religion to a very subordinate position in his political system and it is because of this that it is thought that the modern study of politics begins with Machiavelli.
- Machiavelli wrote *The Prince and the Discourses* primarily from the point of view of the preservation of the state.
- An aristocracy, specifically a landed aristocracy, was the cause of factious quarrels and civil disorder.
- Machiavelli mainly studied practical and not speculative politics.
- Montesquieu did not create the principle of the separation of powers, and this is what he mentioned in Book XI, Chapter 6 of the *De l'Esprit des Loix*. He adapted them from contemporary English writers, including John Locke.
- Montesquieu proposed to show the manner in which every state's laws are connected to the nature and standards of its form of government, to the climate, soil and economy of the country and to its modes and traditions.
- Montesquieu described three kinds of government, which are as follows:
 - o Republican
 - o Monarchical
 - o Despotic
- While describing the English Constitution, Montesquieu's concern was the control of arbitrary power.
- The most significant aspect of Montesquieu's handling of the roles of government is that he completes the evolution from the old handling of 'executive' to a new 'power of judging.'
- Montesquieu devotes substantial interest to explore the nature and composition of the judiciary, but his handling of this issue reflects his general scheme, and does not bear much relation to the real practice in England.
- By 1748, Montesquieu had established the tripartite division of government roles in a visibly contemporary form.
- Montesquieu formulated the concept of three branches of government, which are as follows:
 - o Executive
 - o Legislature
 - o Judiciary

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3.5 KEY TERMS

- **Doctrine:** It is a codification of beliefs or a body of teachings or instructions, taught principles or positions, as the body of teachings in a branch of knowledge or belief system.
- **Political liberty:** It is one's freedom to exercise one's rights as guaranteed under the laws of the country.
- **Legislature:** It is a kind of deliberative assembly with the power to pass, amend and repeal laws.
- **Monarchy:** A form of government in which the office of head of state is usually held until death or abdication and is often hereditary and includes a royal house is known as the monarchy.
- **Republic:** A form of government in which the people, or some significant portion of them, have supreme control over the government and where offices of state are elected or chosen by elected people is known as a republic.

3.6 ANSWERS TO 'CHECK YOUR PROGRESS'

1. It was widely held that *Prince*, which then considered a treaty, was written to instruct the duke to take away the property of the people.
2. While following the tradition of Republicanism, Machiavelli deems the constitutional law as the most basic and primary feature of both political and civil life.
3. By rule of law Machiavelli always mean the rule of just laws, i.e. the rule of laws which work towards the common good of the state.
4. The meaning of Machiavelli's well-ordered republic is a republic wherein each component of the city has its own proper place.
5. Machiavelli stood by the meaning of humanism which meant notions of human freedom and development. He was against the medieval perspective of Christianity. He also opposed the ancient and medieval idea of natural right and detested the idea that the world was structured by God or nature based on the principles of right.
6. Unlike the Romans and the Christians, he proposes a modern view of morality, according to which there are no eternal moral truths prescribed by the God or the nature or the gods.
7. Machiavelli's definition of a free state is the state which is able to maintain its own laws and freedom.
8. In a monarchy, says Machiavelli, security of liberty can be assured if the king or the prince brings in laws that aim to preserve both security of the populace and his power, and if he does not allow anyone to violate these laws, including himself. If a prince is able to do all this, then the people of the state will enjoy liberty and security.

9. He held that a man was an uncomfortable blend of bravery, folly and weakness, who was easy to hoodwink and lord over.
10. Machiavelli's concept of human nature has, inevitably, coloured his theory of the state, the ends of the state and his views regarding the methods of achieving those ends. It leads to divorce between Ethics and Politics. His concept goes against the Aristotelian view of the essential sociability of man and leads to the conclusion that the state is not a natural organism but a contrivance against the evil nature of man.
11. Machiavelli's *Prince* (1513) is a treatise on the skill of attaining and maintaining political power. It explains the things that a prince should do in order to preserve political power, and describes how the power of a prince may be assessed or evaluated.
12. Machiavelli argues that for maintaining control over a newly-acquired dominion, a prince must achieve control over the military forces. The prince may disperse the existing army, and may build a new army under his own control.
13. According to Machiavelli, it is preferable for a prince to be feared than to be loved because a prince who is feared may be confronted with less challenges to his authority.
14. Although Machiavelli views that the possession of virtues is good for the prince, it is so as long as it does not amount to the collapse of his rule. Thus, since we think optimistically, we see it as an attribute which is regarded as a virtue. But its implementation will lead to annihilation of the government.
15. The theory of Machiavelli has two premises—the first premise refers to ethics and politics belonging to two distinct realms, while the second premise refers to political values being different from those of ethics.
16. Montesquieu is known for his articulation of the theory of separation of powers. He divided political power into three wings of governance: the executive (monarch), legislature (parliament) and the courts of law (judiciary).
17. Montesquieu talks about constitutional liberty, social liberty and civil liberty.
18. According to him, liberty means the power of doing what one ought to do, in the societies which are governed by laws.
19. For Montesquieu the only way for the liberty to exist is when the power of government is subject to limitation, and perhaps this is the reason behind the fact that he is not interested in the idea of sovereignty.
20. Montesquieu claims that the sense of security is threatened most in the private and public accusation.
21. Montesquieu distinguishes four kinds of crime: concerning religion; concerning morals; concerning the tranquillity of the public; and concerning the security of the subject.
22. Montesquieu took the idea of separation of power from various contemporary English writers, including John Locke.
23. Montesquieu described three kinds of government, which are as follows:
 - (i) Republican
 - (ii) Monarchical
 - (iii) Despotic

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3.7 QUESTIONS AND EXERCISES

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Short-Answer Questions

1. Why did Machiavelli believe in the historical method of politics?
2. How was Machiavelli similar to John Calvin and Thomas Hobbes?
3. How did Machiavelli break away from the tradition upheld by Plato, Aristotle and other medieval thinkers?
4. How can we say that Machiavelli was a *Republica* author?
5. What was the purpose of law for Machiavelli?
6. How did Montesquieu define liberty?
7. Write a short note on various kinds of government described by Montesquieu.
8. What was the significant aspect of Montesquieu's handling of the roles of government?
9. List the features of Montesquieu's handling of the judiciary.

Long-Answer Questions

1. The rule of law is the best form of government, according to Machiavelli. Explain.
2. Critically evaluate the republican idea of Machiavelli.
3. Explain Machiavelli's concept of human nature.
4. How did Machiavelli separate politics from ethics and religion?
5. How did Machiavelli differentiate between the law and the law-giver?
6. What did the concept of liberty mean for Montesquieu?
7. How has Montesquieu's idea of criminal laws transformed the criminal justice system?
8. Describe Montesquieu's theory of separation of power.
9. Discuss Voltaire's criticism of Montesquieu's theory.

3.8 FURTHER READING

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UNIT 4 SOCIAL CONTRACT THEORIES

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Structure

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- 4.7 Answers to 'Check Your Progress'
- 4.8 Questions and Exercises
- 4.9 Further Reading

4.0 INTRODUCTION

Seventeenth and eighteenth century Europe was a period of Enlightenment, the period that gave people self-confidence enough to question the received wisdoms from the ages. Humanism replaced fatalism. In politics the 'divine rights' of the kings were challenged by a new spirit of democracy. The origin of state was seen not as a gift of God but as a result of human endeavour. The period saw two or three revolutions: the Civil War in England (1648), the Glorious Revolution (1688) and the French Revolution (1789). The theories of contract were born out of this tumult. They saw the state basically as a product of human agreement and its authority as dependent on human consent. The major writers of this period were Hobbes, Locke, Montesquieu and Rousseau.

This unit will discuss the social contract theories of Hobbes, Locke and Rousseau. It will also discuss their ideas about state and sovereignty.

4.1 UNIT OBJECTIVES

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

- Assess Hobbes' conception of the state of nature
- Examine critically Hobbes' social contract theory
- Discuss Locke's idea of limited government

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- Assess Locke’s conception of the state of nature
- Examine Locke’s social contract theory
- Describe Rousseau’s view on social contract
- Interpret Rousseau’s conception of noble savage
- Evaluate Rousseau’s theory of general will

4.2 THOMAS HOBBS

Thomas Hobbes was an English philosopher whose political theories became the foundation of modern political thought. Hobbes gave us a theory based on how social and political order could be maintained in the world. His theories were aimed at establishing peace in the society. He believed in delegating political authority to a powerful sovereign and asserted that in the absence of a sovereign, the state of nature would prevail. This could very well lead to a civil war.

Hobbes was a champion of absolutism for the sovereign, but he also developed some of the fundamentals of European liberal thought—the right of the individual, the natural equality of all men, the artificial character of the political order, the view that all legitimate political power must be ‘representative’ and based on the consent of the people, and a liberal interpretation of law which leaves people free to do whatever the law does not explicitly forbid. Hobbes has often been accused of having taken a ‘selfish’ view of human nature.

In addition to political philosophy, Hobbes also contributed to fields, such as, history, geometry, the physics of gases, theology, ethics, and general philosophy.

Hobbes had mastered a number of languages, which included Greek, Latin, French, English and Italian while in school. He began to translate many original works into Greek, Latin and English. He translated Thucydides’ *History of the Peloponnesian War* into English in 1629 and Euripides’ *Medea* from Greek to Latin.

Hobbes disagreed with the prevailing orthodoxy of his time and was inspired by the new scientific method being applied in fields such as medicine and cosmology. He was influenced by the new developments in the physical sciences and by the works of Francis Bacon, Kepler and Galileo. He regarded power as the end of knowledge and an instrument to harness the forces of nature. He pointed out that all individuals are equal but differences arise due to their differing capacity for knowledge. He thus, set out to rewrite political theory and create a true science of man. Scientific approach dominated Hobbes’ thoughts. It can be regarded as the foundation of his political theory.

The social and historical context of the period he was born was significant in the formation of his theories. Hobbes published the *Leviathan* (1651) amid the English civil war (1642-51). *Leviathan* explores the structure of society and legitimate government, and is regarded as one of the earliest and most influential examples of social contract theory. Hobbes’ aim throughout the treatise was to warn against the consequences of political conflict, the only cure for which, he thought was an absolute and undivided sovereignty.

His most famous philosophical work is *De cive*. This book formed the basis of his *The Leviathan*, *De corpora* (On the Body) and *De Homine* (On Man).

Social Contract Theories

CHECK YOUR PROGRESS

1. What was the focus of Hobbes' *Leviathan*?
2. What was the power of knowledge, according to Hobbes?

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4.2.1 Social Contract Theory

In Hobbes' opinion, it is natural law which prompts men to abandon the state of nature and to establish law and government. Natural law consists in the rules of self-preservation, particularly as follows:

- Everybody should aim at securing peace
- Man should be willing, in concert with others, to give up their natural rights
- Man should keep his contracts
- Man should show gratitude or return beneficence for beneficence.

Thus, the requirements of self-preservation itself created a sense of duty in the mind of men and prompted them to form a state. Hobbes says there is one thing that all men fear and that is death. Since avoiding death is an absolute condition of satisfying their other more various desires. Peace, which renders premature deaths less likely, must be sought by all rational man: 'all men agree on this, that peace is good, and therefore also the way, or means of peace'.

According to Hobbes, natural laws were dictates of reason. However, subsequently Hobbes argued that laws of nature were also proper laws as it were 'delivered in the word of God'. Hobbes called it counsel of prudence. Natural laws to Hobbes do not mean internal justice, perfect morality or standard to judge existing laws. It also does not imply the existence of common good, for they merely created the common conditions which were necessary to fulfill each individual good. These laws were immutable. To Hobbes, there were nineteen natural laws which he called 'articles of peace'. There were three important natural laws — (i) seek peace and follow it (ii) abandon the natural rights to things (iii) individuals must own their contracts. The other laws dealing with nature tell how peace is to be maintained and justice is to be achieved.

The laws of nature may be summarized by the precept: 'act toward others in a manner in which you would want them to act toward you'. However, this precept is presented in a negative form by Hobbes, who argues that, the precept, 'do not act toward others in a manner in which you would not want them to act toward you' is the most intelligible method of evaluating moral conduct.

For Hobbes, the laws of nature are the rules of reason which are contrary to the natural instincts of human beings. The law of nature, thus to him, is the theorem of peace. According to Hobbes, 'Law of nature is a percept of general rule, found

out by reason, by which a man is forbidden to do that which is destructive of his life or taketh (take) away the means of preserving the same; and to omit that by which he thinketh (thinks) it may be preserved. Law, and rights, differ as much, as obligation, and liberty, which in one and the same matter are inconsistent.’

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According to Hobbes, natural law may be revealed by civil law, and civil law may be revealed by natural law. However, natural and civil law diverge in whether or not they may be changed by a sovereign. For Hobbes, natural law is the law of God and, is thus, unchangeable.

Natural law may be known by reasoning, but judgements concerning civil law may depend on both the ability to reason and the ability to infer natural law. Hobbes also contends that ignorance of the laws of nature is not an excuse for disobeying them, because these laws may be known by anyone who is capable of clear reasoning. Hobbes also argues that ignorance of civil law may be an excuse for breaking a law only if the law is unclear or ambiguous. For Hobbes natural laws are also moral laws. These laws include equity, justice, mercy, humility, and the other moral virtues.

These moral laws are also referred by Hobbes as ‘divine laws’. Divine laws may be revealed by reason, revelation and faith. According to Hobbes, obedience to divine law and faith in God are all that is necessary to be saved from pain and sorrow, from sin and death. Thus, an eternally perfect and spiritual Commonwealth may be found in the kingdom of God.

The law of nature really meant for Hobbes a set of rules according to which a reasonable being would pursue his own advantage, if he were perfectly conscious of all the circumstances in which he was acting and was quite unmoved by momentary impulse and prejudice. Since he assumes that in the large, men really do act in this way, the law of nature imposes hypothetical conditions upon which a stable government may be found. It determines casually and rationally what can be given value in legal and moral systems.

Absolute authority in Hobbes’ account is followed by a set of limits on the obligation of subjects to obey and on the proper use of law and punishment. These limits appear in *Leviathan*; and not in his earlier works like *The Elements* and *De Cive*. Although certain natural rights are understood as non-renounceable in these works, the idea is not developed into anything corresponding to the ‘true liberty’ of *Leviathan*.

For Hobbes, it is wrong to punish the innocent because this violates the laws of nature—those which require equity and which forbid ingratitude and revenge. Hobbes does not specify natural laws for any of the other limits he mentions but it is clear that the same laws of nature would forbid the sovereign from outlawing or punishing the exercise of true liberties in all cases. Such acts are committed with no violation of the obligation owed to the law and by subjects who are fully law-abiding; to outlaw or punish such acts would be ungrateful and vengeful. Thus, the sovereign has a duty to respect each subject’s natural rights.

Hobbes also talks of covenants where individuals can opt to emerge out of the state of nature. According to Hobbes, since the law of nature requires individuals to seek peace, the only way to attain it is through a covenant leading to the

establishment of a state. Individuals thus agree to enter into a covenant and surrender all their powers through a contract to a third party who are not a party to the contract. This third party who becomes the sovereign receives all the powers surrendered by the individuals. Thus, 'the Commonwealth' is constituted.

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CHECK YOUR PROGRESS

3. How has Hobbes defined law of nature?
4. According to Hobbes, how is a commonwealth constituted?

4.2.2 Idea of Sovereignty in the *Leviathan*

According to Hobbes, when individuals renounce the state of nature and enter into a covenant, an independent sovereign power emerges. The sovereign power is not a party to the contract but a beneficiary. The third party, the sovereign, which is a consequence of the contract, is an artificial person distinct from the natural individual. Individuals give up all natural rights to all the things through a common consent to a person or body of persons. Thus, Hobbes conferred all rights on the sovereign for enforcing the contract by using force. The sovereign had no obligation. The sovereign was not the common will of all but it was only a substitute for conflicting individual will, as that would guarantee unity among multitudes within a commonwealth. As per Hobbes, the contract created an artifact in the sovereign authority whereby each individual gave up his right of governing himself on the condition that others did the same.

All individuals were guaranteed the basic equality with every other member by consenting to a set of rules. This implies that no one possessed more rights than any other. The sovereign must treat all the individuals equally in the matter of justice. According to Hobbes, justice means equality in treatment and equality in rights. He also equated justice with fairness which means treating others as one would expect to be treated. The sovereign was bestowed with all the powers. The contract made by the individuals was a social and political contract. This contract created a civil society and political authority.

According to Hobbes, a Commonwealth or sovereign can be established by two methods: acquisition and institution. When individuals get threatened into some mission the method of acquisition is adopted whereas when individuals, of their own impulse, unite and agree to transfer all their natural powers through a contract to a third party of one, few or many, the method of institution is adopted. Both the methods are contractual.

Hobbes visualized sovereign power as undivided, unlimited, inalienable and permanent. According to Hobbes, both the state and government were created simultaneously by the contract. Everywhere, individuals in the society, except the sovereign himself, became his subjects. All natural rights of man are surrendered to the sovereign once for all. The individuals cannot withdraw the power conferred on the sovereign, because if they choose to revive their natural rights, they would have

to go back into the state of nature which is characterized by anarchy and insecurity. This is the reason why Hobbes did not grant the people the right to revolt. He also condemned the English Civil War of 1642.

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The contract made by the individuals was perpetual and irrevocable. This means an individual cannot change the sovereign. By creating a civil society, individuals limited their sovereignty voluntarily. Hobbes preferred a monarch to be sovereign. Hobbes preferred monarchy against aristocracy or democracy for the following reasons:

- (i) Self-indulgence of one compared to that of many would be cheaper;
- (ii) The existence of an identity of interest between the king and his subjects;
- (iii) Less intrigues and plots, which were normally due to personal ambitions and envy of members of the ruling elite.

According to Hobbes, since the state and society came into existence together through a single contract, repudiation of the contract would result not only in overthrowing of the government but also disintegrating the society itself. However, absolute power enjoyed by sovereign was not derived from the notion of kings. It was essentially derived through a contract based on individual consent.

Hobbes made the sovereign (*Leviathan*) the sole source and interpreter of laws. He alone is the interpreter of divine and natural laws. The sovereign for Hobbes was not bound by divine and natural laws, and not even by civil laws. Hobbes defined laws as a command of the sovereign. Since a law was a command of the sovereign it could be wrong, unjust or immoral. The sovereign administered as well as enforced the law. As individuals surrendered all their powers, sovereign gained absolute power. Hobbes talked about absolute sovereign power only because of his individualism. The absolute sovereign represented the individuals, and was constituted by them for providing order and security, and averting the worst of all evils, civil war. Hobbes did not recognize any pre - political order of society based on kinship, religion and other associations, which normally contributed to sociability in the individual. Hobbes was quite unsympathetic towards customs, traditions and other moralities that existed outside the preview of the sovereign law. On this basis, he proclaimed that law was not derived from the social institutions of people but was the command of the sovereign. He ruled out private beliefs and divisions and multiplicity of authority which was antithetical to a stable political order. In his opinion, authority has to be unitary. He placed sovereign above the law. However, Hobbes' sovereign had some rights and duties as well. These included the duty to govern and conduct policy, protect civil society from dissolution, limit or restrict freedom of expression, opinions and doctrines, control subject's property, resolve all conflicts through the right of judicature, make war and peace with other nations, determine artificial religion and the form of its worship and prevent access to subversive literature, etc. The will of the sovereign was absolute and the individual had no appeal against it. Hobbes visualised a unified sovereign authority. He did not give the subjects the right to change the form of the government. The contract was not between the individual and the sovereign. It was among the individuals themselves. Thus, sovereign was not party to the contract. Hence, the individuals could not be

freed from the sovereign's authority rather the individuals had a duty and obligation to obey the sovereign. Hobbes' sovereign was characterised by the position rather than the person who commanded it. Hobbes provided a comprehensive theory of political absolutism and reconciled legitimate political authority with conflicting yet justified human demands. Hobbes also stipulated that for ensuring civil peace lesser associations could exist only with the permission of the sovereign. Hobbes gave a subordinated status to the church against the sovereign.

The sovereign also had some limits. He was bound by the law of nature to ensure peace and safety. There were some duties to be performed by the sovereign towards the subject. One of the foremost duties was to protect the subjects from rebellion. To achieve this Hobbes gave seven injunction:

- Commitment to the status quo
- To resist demagogues
- To respect the established government
- The specific need for civil education
- The importance of decline that was inculcated in the home
- The law and order, to abstain from violence, private revenge, disowner to person and violation of property
- Right attitudes would bring about right behaviour

Hobbes placed a great emphasis on the fact that the sovereign was never obligated to subjects because, as a non-party to the social contract, the sovereign is understood to have remained in the state of nature, i.e., the sovereign's authority is derived from being a third-party beneficiary of the social contract. In the case of the sovereign's right to punish, Hobbes is quite clear that this right derives from the right of nature, which only the sovereign retains as a non-party to the social contract. Political authority is justified by the social contract because subjects create civil society by lying down, or transferring, the right of nature in the proprietary sense.

CHECK YOUR PROGRESS

5. What did Hobbes mean by sovereign power?
6. How can the commonwealth be established, as per Hobbes?

4.3 LOCK

John Locke was the father of classical liberalism whose tenet had a great impact on the period of Enlightenment, also known as the Age of Reason. Locke assumed all men were created equal and independent as per the natural law. Violence could not be justified unless an individual's freedom was in peril. Locke's conception of natural liberty was a moral conception of 'perfect freedom' and equality. His view of the

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law of nature was normative and not descriptive. To Locke, natural rights included life, liberty and estate that were collectively known as property. He created a limited sovereign and ruled out political absolutism and advocated that a good state is the one that existed for the people who formed it and not vice versa.

Unlike Hobbes, Locke believed that the government had to be based on the consent of the people subject to the constitution and the rule of law. Locke's theory of social contract differed from Hobbes' in many ways. Both of them agreed on only one point, that persons in a state of nature would willingly come together to form a state. According to Locke's social contract theory, people agreed that their condition in the state of nature was not satisfactory and thus, agreed to transfer some of their rights to a central government, while retaining other rights.

In 1679, Locke composed *The Two Treatises of Government*. Although he was associated with the influential Whigs, his ideas about natural rights and government were considered as revolutionary for the period of English history. Locke shifted to the Netherlands in 1683 but returned to England in 1688. After returning to England, he published three books namely, *Essay Concerning Human Understanding*, *Two Treaties of Civil Government* and *A Letter Concerning Toleration*.

4.3.1 State of Nature and Natural Rights

John Locke's conception of natural liberty is a moral conception of 'perfect freedom' and equality. His view of the law of nature is a normative rather than a descriptive one—a discussion of what people living up to their duty to God ought to do. The state of nature, to John Locke, is not gloomy and pessimistic. In Locke's view, it is not a state of 'constant warfare'. Locke points out that it is a state of 'peace, goodwill, mutual assistance and preservation'.

He further says, it is a state of liberty, not a state of license. The state of nature is a state of equality amongst men. Locke maintains, 'The state of nature has a law of nature to govern it, which obliges everyone, and reason, which is that law, teaches all mankind who will but consult it, that all being equal and independent, no one will harm another in his life, health, liberty or possession; for all men being the workmanship of one omnipotent and infinitely wise Maker; all servants of one sovereign Master sent into the world by His order and about His business; they are His property'.

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

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

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The concept of natural rights and theory of property is one of the important themes in Locke's political philosophy. According to Locke, the question of natural right emerges from the roots of morality in human conscience. He points out that natural right consists in the perfect freedom and equality of every man. Not only to preserve his property (life, liberty and estate) against the injuries and attempts of other men, but to judge and punish the breaches of natural law committed by others. However, when individuals decide to enter into a contract and thereby establish a political society, they surrender their natural rights to be judges. Now, that power rests with the community but the natural rights to life, liberty and property still belong to them. Locke points out that by human reason and by revelation, it is apparent that the earth and its fruits belong to God and that God gave them to the human inhabitants in common to enjoy. He also argues that it is human labour which distinguishes what is privately owned from what is commonly owned.

Labour is the unquestioned property of the labourer and by mixing his labour with a piece of land, an individual acquires the right to whatever he makes. The stress is on what human beings make of the earth, how and what they leave for prosperity. He insists that God has given human beings the earth to make it a better place, full of conveniences of life by entrepreneurship, hard work and reason. In other words, Locke emphasises that human beings were trustees or stewards who could appropriate and consume by being industrious and creative without wasting, squandering, spoiling or destroying.

Locke in his depiction of state of nature states that individuals had initially a right to appropriation which was limited to three things. First, an individual could appropriate only that much for which one had a need, and provided enough and good was left for others. Secondly, an individual had a right only to that much for which he had mixed the labour of his body and the work of his hand. Thirdly, labour not only created property but also determined its value.

Locke argued that it was labour that made the world different by creating conveniences and increasing productivity. In the state of nature, Locke argues the

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individual had perfect freedom to dispose of their possessions, and persons, as they thought fit. According to Locke, property was a natural right derived from natural law. It was there before the formation of government. He concedes individual rights to do as they pleased within the bounds of the law of nature. Thus, rights were not absolute and hence, limited to the extent that they did not harm themselves or others.

As a result of the introduction of money, one could possess more regardless of the use of the product and hoard without injuring anyone. It also divorced right from convenience. Locke states that property represented human entitlement and, in fact, the great and chief end of men's uniting into Commonwealth and putting themselves under government is the preservation and protection of their property. It was the social character of property that enabled Locke to defend a minimal state with limited government and individual rights and reject the hereditary principle of government. It was the protection of liberties and property that men entered into an agreement instructing the government to recognize these rights and embody in a statutory form.

4.3.2 Social Contract and Civil Society

Having described the state of nature as a condition of peace and mutual benefit and having defined natural rights, Locke next proceeded to derive civil society from the consent of its members. According to Locke, the consent by which each person agrees with the other to form a body politic obligated him or her to submit to the majority. The compulsion to constitute a civil society was to protect and preserve freedom and to enlarge it. The state of nature was one of liberty and equality but it was also one where peace was not secured and was being constantly upset by the 'corruption and viciousness of degenerate men'. This led to three important wants: the want of an established, settled, known law; the want of a known and indifferent judge and the want of an executive power to enforce just decisions. Through a contract, individuals consented to submit to majority rule and organised themselves as a community or civil society. Locke says that men being free, equal and independent, no one can be put out of the estate (state of nature) and subjected to political power of another without his own consent.

After the formation of civil society, this common consent becomes the consent of the majority. As a result of the contract, all men unanimously agree to incorporate themselves in one body and conducted their affairs by opinion of the majority. They surrender their powers partially, namely, the three specific rights that constituted the natural right to enforce the laws of nature. At first, individuals establish a civil society, and then a government to act as a judge in the nature of a fiduciary power for promoting certain ends. Thus, Locke envisioned two contracts, one by which the civil society is established and the other which creates the government.

According to Jeremy Waldron, contract and consent have three stages in Locke's description: first, man must agree unanimously to come together as a community and pull their natural powers show that they can act together to uphold one another's right; second, the members of this community must agree by a majority vote to set up legislative and other institutions; third, the owners of property in a

society must agree, either personally or through their representatives to whatever taxes are imposed on the people.

Locke's depiction of several stages of contract was a clear departure from Hobbes' depiction. In Hobbes' theory, state and society were formed together but in Locke's theory, they were created in different steps. According to Locke, in the first stage, civil society was formed and in the second stage, government was established. This is the reason why, when a government is dissolved, society remains intact. By drawing a distinction between the process of formation of society and the state, Locke placed the government under the control of society, so there is no scope for absolutism unlike in Hobbes' theory.

For Locke, the relationship between society and the government is expressed by the idea of trust because it obviates making the government a party to the contract and giving it an independent status and authority. Within the government, the legislative power was supreme, since it was the representative of the people, having the power to make laws. There was also an executive which consists of usually one person who has the power to enforce the law. According to Locke, the executive which includes the judicial power has to be always in session. It enjoyed prerogatives. Locke also advocated for the separation of power between executive and legislature. Besides the legislature and executive, there was a third wing of the government, which is called the federative power. It means the power to make treaties and conduct external relation. Unlike Hobbes, Locke created a limited sovereign and ruled out political absolutism. Locke advocated that a good state is the one which exists for the people who formed it and not vice versa. The government has to be based on the consent of the people subject to the constitution and the rule of law. Government will act as a trustee of the people's right. Powers of the government are derived from the people. Natural laws and individual rights act as a limitation on the government's power. Locke advocated that supreme power resided in the people, and the people as a community had the inalienable right to constitute and dismiss a government. Locke justifies resistance to unjust political power. After over throwing government, individuals can establish a new one.

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CHECK YOUR PROGRESS

7. What does Locke's concept of natural liberty state?
8. What does Locke mean by property?
9. How and why can the guilty be punished according to Locke?
10. What is the link between the society and government for Locke?

4.3.3 Idea of Limited Government

Unlike Hobbes, Locke created a limited sovereign. In other words, it was not absolute. Locke envisioned a constitutional government. Locke, unlike Hobbes, calls for a conditional and partial surrender of natural rights, because some natural rights are

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fundamental. They cannot be given up because they are the cornerstone of human freedom. People gave up natural right to judge and punish the offenders of natural law in their own case or in the case of other persons. This right was vested in the hands of the community and government assumes the role of an empire. But this right is surrendered on the condition that their rights to 'life, liberty and property' will be protected and kept intact. Everyman, by consenting with others to make one 'body politic' under one government, puts himself under an obligation to everyone of that society, to submit to the determination of the majority. If he is left free without contract and under no other ties, then he is in the state of nature.

For Locke, men are by nature free, politically equal, creatures of God, subject to the law of nature and possessor of an executive power of the laws of nature; they became subjects of political authority only by their consent. Without consent, there is no political community. Locke discusses two kinds of consent: (i) express or direct, and (ii) tacit consent. The former is an explicit commitment given at the time when the Commonwealth is instituted. In case there is no provision for explicit consent, people's obligation can be gauged by their tacit consent. There are two problems with regard to tacit consent. One is to define tacit consent and the other to determine how far it is binding.

According to Locke, all true states are established by consent. He points out that a minority would consent in all things to rule by the majority. A government cannot be arbitrary. It is bound by the general laws which are public and not subject to individual decrees. All individuals would be governed by the same rule, otherwise it would violate the natural moral equality of individuals. He clarified that people could use force only against unjust and unlawful authority. The right of disobedience could be exercised by the majority and not by one person or a small group.

It is the responsibility of the society to watch whether the government is exercising its powers within the limits of the terms of the contract. This implies, in the first place, that the government must govern with the consent of the people. Locke says it is the people who are endowed with the faculty of reason—conscience, sense of morality, knowledge of right and wrong. Government is created by the will of the people, but since it is an artificial device, it cannot embody superior reason. Secondly, if, in any case, the government cannot perform its duty, the individuals have the right to overthrow the government and set up another government in its place. In this way, Locke gives the individuals the right to resistance. It is on the basis of right to resistance, Locke sought to justify the bloodless or glorious English revolution of 1668. Richard Ashcraft summarises Locke's views in his book *Locke's Two Treaties of Government* and says that resistance to tyranny is everyone's business. Locke asserted that governments could be altered, amended, changed or dissolved legitimately. He has enumerated the following five occasions when it is possible:

- Whenever a prince or single person establishes his own arbitrary will in the place of laws.
- When the prince hinders the legislature from assembling in its due time or from acting freely, pursuant to those ends for which it was constituted.

- When by the arbitrary power of the prince, the election and the ways of elections are altered without the consent and contrary to the common interests of the people.
- When the people are subjected to foreign power either by the prince or by the legislature.
- When the person who has supreme executive power neglects laws already enacted and cannot be executed.

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However, people should use the right of resistance and revolution wisely as bitter medicine and not as a daily bread. They need to resort to revolution only when they realise that revolution would result in a better social order. The right to revolution should not be misused for every little mismanagement in public affairs or for trivial causes. Locke highlights that government based on consent coupled with the right of people to rebel was the best defence against rebellion. People have the right to judge and access authority, which is no longer sacred or super natural. Locke visualises that with more free communication and greater transparency, there would be less need for revolution. He was against anarchy and insisted on the need for a just civil authority for folding a decent and civilized life. Lockeian individuals were not committed to unconditional obligation. There was a rational and limited agreement which ensured obedience for the preservation and advancement of life, liberty and property. The validity of the contract would depend on the conditions of these benefits. Consent is a necessary condition for the legitimacy of the political society but the consent which creates such legitimacy is not a sufficient condition for the obligatory force of any particular act of authority in such a society.

It is extreme political anxiety focused upon wars over religion that dominates Locke's early writings. Locke was 10 years in age when the civil war broke out, 16 when the King was executed next to his school, and 26 when Oliver Cromwell's death in 1658 plunged England back into political turmoil for two years until the restoration of Charles the second. He grew up at a time when most protestant leaders claimed the duty to institute a reformation and the right of conscience to resist, and were opposed to religious 'toleration' in principle.

Religious sectarianism had then created what Locke described as a 'great Bedlam' with individuals claiming to be the second Christ or claiming personal inspiration in ways that Locke described to his moderate Presbyterian father as 'hot-headed' and 'mad'. He did not by any means abandon religious foundations. Far from it, Locke based his politics firmly and explicitly on the moral relation between man and god. Locke put emphasis on the issue of religious toleration. He defended religious toleration and pluralism. According to him, man can pursue any religion of his choice. He ruled out religious persecution. In *A Letter Concerning Toleration*, he assigned the civil magistrate the duty to protect the life, liberty and indolence of body of the members of the Commonwealth. He held the civil magistrate responsible for regulating religious practice for the peace, safety and security of his people. Though the magistrate was the ultimate judge of how to promote these ends, his judgement could not be more trustworthy, in practice, than that of any other believer. The idea was that truth could look after itself. The magistrate would ensure that

other than the necessity of the state and the warfare of the people, no law was made nor was any restraints established. Any attempt to interfere with religious beliefs would be unjust, for each person was responsible for his own salvation.

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Locke was categorical that no one could give to another person a power that he did not have. Locke excluded atheists and those religious groups that debarred others from professing and practising their beliefs from the privileges of toleration. The civil magistrate could legally interfere when religious assemblies that endangered civil peace. Though Locke did not directly justify resistance on the ground of religion, he made it clear that oppression of any kind was intolerable and a sufficient reason for sedition.

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

CHECK YOUR PROGRESS

11. What is the role of consent, as per Locke?
12. As per Locke, who will keep a watch on the actions of the government?

4.4 ROUSSEAU

Jean Jacques Rousseau was a Genevan philosopher who shaped the modern philosophical and social thought in the era of Romanticism. He placed a great deal of stress on the role of subjectivity and introspection in human life. He also gave prominence to the emotional and sentimental side of man. Many of the ideas of Rousseau were put into practice during the French revolution. He supported the idea of transformation of human nature from a narrow self-seeking being into a public-spirited person. He brought to the fore the importance of ethics in politics as he was not interested merely in happiness or utility.

He had the most rigorous and revolutionary theory of sovereignty conceived as omnipotent and omnipresent. Liberty for him was the greatest good. Liberty was only possible when dependence between human beings was eliminated, if not at least regulated by law. He understood liberty as participation and popular sovereignty. In a nutshell, his theory was egalitarian, anti-hierarchical, republican and democratic. Rousseau was also a successful composer of music, who wrote seven operas as well as music in other forms, and made contributions to music as a theorist. During the period of the French Revolution, Rousseau was the most popular of the *philosophes* among members of the Jacobin Club. Rousseau was interred as a national hero in the Panthéon in Paris, in 1794, 16 years after his death.

4.4.1 Social Contract and State of Nature

More than most men, Rousseau projected the contradiction and maladjustments of his own nature upon the society and sought an anodyne for his own painful sensitivity. In his essay, *First Discourse* he says that morals had been corrupted with the advancement of arts and sciences. Against intelligence, the growth of knowledge, and the progress of science, which the enlightenment believed to be the only hope of civilization, he expressed amiable and benevolent sentiments, goodwill and reverence. Rousseau criticized the idea of enlightenment since his early period. In his prize winning essay *Discourses on the Science and Art*, he depicted the drawbacks of science and arts including its impact on morality. According to him, science had brought moral degradation among man. He criticized the idea that science has brought progress. He termed it as an illusion. It was not progress and in fact was regression.

The advancement of science and modern civilization made individual life unhappy. It had made him less virtuous. Rousseau advocated for a simple society. He says virtue can be prevalent only in a simple society. In his criticism of modern advanced society, he alleged that man has been growing corrupted day by day. With the advancement of the civilization man became corrupt. Rousseau advocated that the abundance in the world brought more evil than good. According to him, luxury is the fertile source of corruption. It not only impact upon man negatively but also undermines nations. He cites the example of Rome and says that as long as Rome was simple and devoid of luxury, it had respect all over the empire but when it embraced luxury and wealth, it began to decline.

Rousseau severely criticized the advancement of art and science. He argued that the minds of the human beings have been corrupted in proportion to the advancement of the arts and science through the ages. For Rousseau, much-vaunted politeness, the glory of civilized refinement was a uniform perfidious veil under which he saw jealousy, suspicion, fear, wildness, fraud and hate. Science brought intelligence and knowledge revolution. The supporter of enlightenment eulogized it. But Rousseau, against this notion, preferred to amiable and benevolent sentiments, reverence and goodwill. He preferred sentiments and conscience to reason. He argued that intelligence was dangerous because it undermined reverence. He termed science as destructive because it undermined faith. Reason was bad to him because it undermined morality. For Rousseau, morality is nothing other than the ability to see oneself through the eyes of others and act appropriately. This is a fascinating description of morality. Learning to live with others is the essence of morality. Humans have the capacity to act morally but it is not natural in the sense of being fully fixed in all humans since birth. It is the capacity that has to be developed, educated and nurtured.

Rousseau maintains that liberty in the state of nature was a great boon. However, with increasing population and depletion of the treasures of nature, it was no longer possible for man to enjoy natural liberty as before. Thus, in the changed circumstances, natural liberty was threatened when the forces of nature no longer sustains them, they have to consolidate their own force to save themselves. They, therefore, create a civil society to maintain their freedom. According to Rousseau,

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vanity among human beings and difference in property and possessions led to inequality. The rich became richer and poor became poorer. Laws were enacted to protect property rights. Civil society degenerated into a state of war, extreme inequality, ostentation, cunningness, ambition and enslavement. Through laws and other political devices, the rich were able to corner power and dominate, while the poor descended into slavery. Civilized man was born a slave and died the same.

In the state of nature, the man was a 'noble savage'. He lived in isolation and had limited desires. According to Rousseau, it was neither a condition of plenty nor scarcity. There was no conflict for cooperative living. Individuals had no language or knowledge. They had no idea of any art or science. Rousseau argued in this type of situation, man was neither happy nor unhappy. He had no conception of just and unjust, vice and virtue. He was not guided by reason, but guided by self-love or the instinct of self-preservation. This state of nature was not perennial. Gradually, individual discovered the utility and usefulness of labour. Man began to collaborate and created a provisional order. It led to a patriarchal stage when men began to build shelter for themselves and families stayed together. He began to use language and reason. The division of labour came into being. It led him from the subsistence economy to an economy of productive development. Individuals learned metallurgy and agriculture. It gave him iron and corn and made him civilized. However, it ruined humanity and morality. The growth of agriculture and division of labour created the idea of property. Rousseau famously stated that 'the first man who after fencing of a piece of land, took it upon himself to say 'this belongs to me' and found people simple minded enough to believe was the true founder of civil society. Man's talents and skills created inequality among the people. The longing for possession and wealth led to enslavement of some people and led to conflict and competition. It is this conflict, which led a demand for a system of law to ensure order and peace; the rich especially demanded it to save their possession and wealth. Thus, the social contract envisioned by rich was to maintain their status and position. As a result of this demand and social contract, the civil society and law originated. It was a bane to the poor and boon to the rich. It destroyed natural liberty.

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

In his *The Second Discourse on the Origins of Inequality*, he developed his views expressed earlier in his prize winning essay *Discourses on the Science and Arts*. In this work, he narrated the fall of man. He highlighted how the nature got twisted, warped and corrupted with the emergence of civil society. The civil society was necessitated by the rise of the institution of private property and the

need to defend it by institutionalizing social inequality through law. Thus, Rousseau underlined the difference of ‘natural man’ and ‘civilized man’. He appreciated the natural man and criticized severely the civilized man who was created as a result of the emergence of civil society.

CHECK YOUR PROGRESS

13. Why did Rousseau criticise advancement of art and science?
14. What was Rousseau’s view on civil society?
15. What was Rousseau’s view about liberty?
16. According to Rousseau, what led to inequality?

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4.4.2 Rousseau’s Critique of Liberal Representative Government

Chapter fifteen of Rousseau’s *The Social Contract* is one of the most important chapter of the book, for it is most often misunderstood as Rousseau’s critique of representative government. Rousseau, however, is not against representative government but representative sovereignty. In fact, in the fourteenth chapter of In the *Social Contract*, Rousseau makes it very clear that for him government is representation of the people: ‘The instant the people is legitimately assembled as Sovereign body, all jurisdiction of the government ceases, the executive power is suspended, the person of the last citizen is as inviolable as the first magistrate, because where the represented is there is no longer representative.’

The above paragraph makes it clear that Rousseau is not against the idea of representative government, but the idea of representation in the sovereign assembly. When it is a matter of application, interpretation and enforcement of the laws, there has to be a representation of the people in the form of government to take these tasks to their ultimate conclusion. It is interesting and important to note that the role of representative government is limited only to the implementation of the laws and does not extend to their formation. While acting on the behalf of people, the representative government holds the right to issue a decree on matters at hand, but these decrees must be within the confines of and according to the constitutional and legal framework which has already been constructed by the political community.

In fact, Rousseau holds the perspective that the most successful kind of government in most of the nations is the kind of aristocracy where magistrates are elects to represent the people of the nation. The only reason that this kind of government is acceptable for Rousseau is that the only role of the government is to implement the law, the sovereign on the other hand is responsible for creating the content of the basic laws of the nation, which is a more difficult task than the task of the government.

Rousseau begins his discussion of the representation of sovereign body in the backdrop of the general moral corruption of the citizen. When the idea of public

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service become a concept alien to the citizens and they begin to use their wealth instead of their person, claims Rousseau, the ruin of the State becomes an inevitability: 'As soon as public service ceases to be the principle concern of citizens, and they prefer helping with their wallets rather than their persons, the State is already on the brink of ruin.' These two essentially corrupting characteristics, i.e. the loss of public service as a principle concern, and valuing of money and riches more than the person, makes the citizen leave the two of their most important functions, i.e. defence of the state and the formation of laws, to the paid specialist. For defence of the state they turn to the mercenary soldiers, who enslave their country, and for the formation of laws they pay to the professional politicians, who sell it. Rousseau once again goes back to the idea that he expressed in his first discourse, i.e. *Discourse on the Science and Art*:

Sciences, Letters, and Arts . . . spread garlands of flower over the iron chains with which they are laden, throttle in them the sentiment of that original freedom for which they seemed born, make them love their slavery, and fashion them into what is called civilized people.

In the fifteenth chapter of the *Social Contract*, he blames commerce and arts, the idea of personal gain and comfort for the transformation of personal services into money, which is at the core of the idea of representation, and which in turn gives the citizens of the state an illusion of being free, or in other words shape them in such a fashion that they begin to love their own slavery.

Before actually talking about the problems of the representation in sovereignty and criticizing it Rousseau talks about the circumstances that paves the path for such representation. He emphasizes on the role of money in this entire transaction. It is because of the sole idea of profit that people accept what Rousseau calls slavery. He deems the word 'finance' as a slave's word. In a state that is completely free people do things with their hands, i.e. they involve their person. But when people begin to use their wealth instead of their person, the state should no longer be recognized as free. There is no doubt that in a civil state it is impossible to attain the level of pure self-sufficiency, and with the elevation of the value and importance of money, expensive tastes and needs are cultivated amongst the people, which in turn makes them soft and less able to endure hardship, and clears the way for the rise of a kind of interdependence that may aid in the brewing of reactive attitudes, which also includes the feeling of excessive pride. In such a state people begin to pay to avoid their duties, but in a state that is free, people would rather pay to perform their duties themselves. Rousseau considers the idea of taxation to be closer to slavery than the idea of hard labour.

When the state is well ordered and organised there hardly remains any distance between the idea of personal interest and public interest, in fact the idea of public interest preponderates the idea of self-interest. Also there is a sharp decrease in the number of private affairs because of the sharp increase in general prosperity of the citizens. Citizens of such a state are willing to go to the assemblies for they can see and identify the general will of the assembly with their own prosperity and growth. But if the society is badly organised and ordered; if the state is corrupt and money oriented, it may be able to maintain the façade of liberty but with the elevation in the

private concern of the citizen, there is a sharp decline in their understanding of the practical importance of the general will, as a result people seem less inclined to go to the assemblies: ‘...under a bad government no one budges to attend them, because no one takes interests in the proceedings; they know in advance that the general will not prevail, because private concerns have become all-absorbing.’ With the fall in the attendance of the citizen in the sovereign assemblies, the cynicism of the people towards the assembly increases for they begin to see the assembly as being manipulated by those who attend it. Rousseau writes: ‘Good laws pave the way for better ones; bad laws lead to the worse ones. As soon as any one says about the affairs of the State, ‘Why should I care?’ the state is gone.’

Rousseau comes to the idea of formation of deputies or representatives in the assembly, and deems its causes as decline in patriotic sentiments, increase in the idea of private interests, the enormous size of the state, and violation of governments. Thus, it is clear that the formation of the representatives in the assemblies, according to Rousseau, is a kind of compensation for the political indifference of the people of the state caused by the moral corruption. But lack of citizens’ interest in politics is something that cannot possibly be compensated for, because citizens’ interest in the state affairs is a condition absolutely necessary for sustenance of general will which is deliberated and decided by properly informed citizens. When there is a lack of this necessary condition, claims Rousseau, no other fix will possibly work.

Rousseau makes a reference to the first chapter of the second book of *The Social Contract* and claims that the reason sovereignty cannot be representative is same for which it cannot be alienated, which is sovereignty ‘consists of general will’. In the first chapter of the second book, Rousseau claims regarding the non-representability and inalienability of the general will on the basis that there always exists a conflict between the personal interests of people and that a particular will never ever tends to the cohesive whole, and therefore an agreement between general will and particular will is always temporary and uncertain. In the fifteenth chapter of the third book, he claims: ‘...the will cannot be representative; it is itself or it is something else; there is no middle ground.’ When a small group of people are sent to the assemblies on behalf of the citizens, they engage in the pursuit of their individual wills and forget about the general will. In this sense, the people who are in the assemblies on behalf of the citizens of the state cannot possibly be called the representatives. What then are they? Rousseau’s answer to this question is that they merely are agents, and the decisions they take and laws they make are invalid; their conclusions are not definitive: ‘Every law which the people in person have not ratified is not valid; it is not a law.’

Rousseau makes his famous claim that the people of England do not enjoy liberty, in spite of their belief of being free because of their representative de. The freedom to the citizens of England is granted only during the time of the election, and when this rare occasion is gone, they become the subject of the will of the agents that they have selected to sit in the assemblies. He claims that their slavery is no less intense than the slavery of people under any other form of tyranny: ‘The English nation thinks that it free, but is greatly mistaken, for it is so only during the election of members of Parliament; as soon as they are elected, it is enslaved and counts for

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nothing. The use it makes of the brief moments of freedom renders the loss of liberty well-deserved.’ Rousseau considers the exercise of the democratic rights of the people of England through proxy as not only unsatisfactory but also incomplete. The best they can possibly do is to align themselves to a party or a faction during the time of election. But because of the habitual indifference towards the actual affairs of the state and the politics as a whole, they cannot perceive the relevance of the general will to the people of the nation as a whole.

Rousseau then goes on to analyse the inception of the idea of representation and why the ancient and classical world did not have such an idea. He claims that the notion or the concept of representation originated from the feudal government, which he deems as ‘absurd and iniquitous government.’ This form of government was responsible for the degradation of human kind. The idea is to suggest that if the kind of government responsible for the inception of the idea of representation is absurd and debased, then the idea of representation must also be of same nature.

In the ancient republics and monarchies the idea of representation did not exist. People were not even aware of the words. In the ancient Rome, the status of the tribune (elected civil officials) was sacred, but in spite of that they never tried to encroach the rights of the people. Even in ancient Greece, people used their person to do things; they took active interest in the politics of the state, and actively assembled for political gatherings. They were intellectually free, for the manual labour was performed by the slaves, which allowed them to participate in the active politics and the state affairs. Rousseau remarks: ‘Without those same advantages, how can people preserve those same rights? Your more rigorous climates give you more wants; for six months in a year the public place is deserted, and your hoarse voices cannot be heard in the open air. You care more for profit than for liberty, and you fear slavery far less than you do poverty.’

The question then is whether liberty can only be secured by the means of slavery? In the modern world where every individual is occupied with his own personal issue and that issue concerning his family, it would, perhaps, not be justified to ask him to participate in the abstract issue of the state on a regular basis. Rousseau has already cited the advantages of the slave that the people of the ancient world had, which allowed them the luxury of intellectual freedom and thus made their participation in the public affair possible. He further claims that at times the circumstances are unfortunate to an extent that the only way to attain the complete freedom of the citizens of a state is to adopt the notion of slavery. Sparta is an example. The modern nations do not have slaves, but they themselves are slaves. In order to maintain the illusion of freedom they pay with their own liberty. Rousseau writes: ‘In vain you boast of this preference; I consider it more cowardice than humanity.’

It almost seems that Rousseau is recommending slavery as the necessary means to acquire the complete freedom of the citizens of the state. But in the next paragraph he clears any such doubts: ‘I do not mean by all this that slaves are necessary and that the right of slavery is lawful, since I have proved the contrary; I only mention the reasons why modern nations who believe themselves free have representatives, and why ancient nations had none. Be that as it may, as soon as a nation appoints representatives, it is no longer free; it no longer exists.’ It is true that

Rousseau does not recommend slavery as a means of the freeing the citizens, but at the time it is also true that he considers the representation of sovereign as slavery. He concludes that in spite of all the practical difficulties that is faced in the active participation of the citizens of the state in the activities of the sovereign, it is preferable than notion of representation in which people delegate their own right of formulation of law to the bunch of representatives, and thus disassociate themselves from the complete civil liberty, which is possible only when the interest of community as a whole is identified closely with the interest of the individuals.

In spite of Rousseau's severe critique of the idea of representation in the sovereign assembly in *The Social Contract*, his attitude is quite different towards this idea in his other writings. In *Poland* he maintains that the idea of representation in sovereignty has good as well as bad aspects, but the major problem that surrounds the idea is the quick and easy corruptibility of the representatives. To deal with this problem, he suggests the idea of frequent election, thus reducing the time and increasing the cost for the future corrupter. The second way to reduce corruption of the representatives is to bind them with set of instructions. Whatever be the solution of the problem, the fact that Rousseau is trying to offer a solution to the problem clearly implies that he does not hold the same sentiments towards the representation of sovereignty in Poland, as he held in *The Social Contract*.

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CHECK YOUR PROGRESS

17. What is the role of the sovereign in Rousseau's kind of state?
18. What was Rousseau view on representative government?
19. What does Rousseau say about corruption among representative?

4.4.3 Theory of General Will

Creation of popular sovereignty by vesting in it the general will is a unique contribution of Rousseau, which led to the foundation of modern democracy. The concept of general will is the central theme of Rousseau's doctrine. It is distinguished from the other types of human will. According to Rousseau, the general will is always right. Many later thinkers have used the distinction between actual will and real will in order to explicate Rousseau's distinction between particular will and general will. The existence of these two types of will is a source of conflict within the minds of men. Actual will is motivated by his immediate, selfish interest whereas real will is motivated by his ultimate collective interest. Actual will is concerned with his ordinary self, whereas real will with his better self. The satisfaction of his desire is the aim of his actual will but real will induces him to acts of reason. The characteristic of actual will can be termed as transient, unstable and inconsistent whereas real will is stable, constant, consistent and determinant. The actual will is detrimental to human freedom. Thus, to attain freedom, the individuals should follow the direction of the real will. Real freedom is reflected by the real will. The real will is concerned with the interest

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

Rousseau believed a unified collective view would emerge for two reasons. First of all, he envisaged a relatively simple society of farmers and artisans with no rich or poor (though he railed against property, he never advocated its abolition), a situation that is the duty of the sovereign to maintain. All are equal and consequently there would be few conflicts and what is good for society would be relatively simple, a situation in which it would be easy to inculcate love of the community. According to Rousseau, the general will would be the source of all laws. The human being would be truly free if he followed the dictates of the law. Civil liberty, for Rousseau, meant freedom from the assault of others, from following the arbitrary will of another person, and obedience to one's notion of liberty. Of course, if one had to be free then one had to obey one's own will, which means that one's will, and the laws of a state would have to be in harmony. The Free State would be a consensual and participatory democracy. He categorically said that the general will could emerge only in an assembly of equal law makers. It could not be alienated. The 'executive will' could not be the 'general will'. Only the legislative will, which was sovereign, could be the general will. For Rousseau it was the direct democracy that embodied the legislative will. The individual participated in the articulation of the general will, for citizenship was the highest that one could aspire for. The general will could not be the will of the majority. In fact, it did not represent the will of all; it was the difference between the sum of judgments about the common good and the more aggregate of personal fancies and individual desires. It would always aim and promote the general interest and will of its members.

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

the community. Sovereign to Rousseau was the people constituted as a political community through social contract.

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

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

CHECK YOUR PROGRESS

20. What is the source of all laws, according to Rousseau?
21. What did civil liberty mean for Rousseau?

4.5 SUMMARY

- Hobbes gave us a theory based on how social and political order could be maintained in the world.
- The intellectual career of Hobbes was very much significant because he disagreed so roundly and radically with the prevailing orthodoxy of his time.
- Hobbes published *Leviathan*, his masterpiece in the midst of constitutional upheavals of the civil war and the Commonwealth. His aim throughout was to warn against the consequences of political conflict, the only cure for which, he thought was an absolute and undivided sovereignty.
- The idea of the state of nature is one of the fundamental aspects of Hobbes' political philosophy.

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- According to Hobbes, in the state of nature, human relationship is based on mutual suspicion and hostility. There is no law, no justice, no notion of right and wrong in the state of nature.
- According to Hobbes, when individuals renounce the state of nature and enter into a covenant, an independent sovereign power emerges.
- John Locke was a pre-Enlightenment thinker whose tenet had a great impact on the period of Enlightenment, also known as the Age of Reason.
- Although Locke was associated with the influential Whigs, his ideas about natural rights and government were considered as revolutionary for the period of English history.
- John Locke's conception of natural liberty is a moral conception of 'perfect freedom' and equality.
- The state of nature to John Locke is not gloomy and pessimistic. In Locke's view, it is not a state of 'constant warfare'. Locke points out that it is a state of 'peace, goodwill, mutual assistance and preservation'.
- Individual derives natural rights from the law of nature. To Locke, natural rights include life, liberty and estate which are collectively known as property.
- The individual has an idea about the law of nature through his power of reason. It is this power of reason, which directs them towards their 'proper interest'.
- According to Locke, the consent by which each person agrees with the other to form a body politic obligated him or her to submit to the majority. The compulsion to constitute a civil society was to protect and preserve freedom and to enlarge it.
- The state of nature was one of liberty and equality but it was also one where peace was not secured and was being constantly upset by the 'corruption and viciousness of degenerate men'.
- Individuals to Locke are rational beings. However, Locke advocates there are few persons who do not follow the rules of morality and gives priority to their self-interest. It becomes very difficult to deal with such offenders as in the state of nature, there is no established authority. To overcome this problem, individual decides to renounce the state of nature and enter into a civil and political society by making a contract.
- According to Locke, the consent by which each person agrees with the other to form a body politic obligated him or her to submit to the majority. The compulsion to constitute a civil society was to protect and preserve freedom and to enlarge it.
- For Locke, the relationship between society and the government is expressed by the idea of trust because it obviates making the government a party to the contract and giving it an independent status and authority.
- Unlike Hobbes, Locke created a limited sovereign. In other words, it was not absolute. Locke envisioned a constitutional government.

- Locke, unlike Hobbes, calls for a conditional and partial surrender of natural rights, because some natural rights are fundamental. They cannot be given up because they are the cornerstone of human freedom.
- For Locke, it is the responsibility of the society to watch whether the government is exercising its powers within the limits of the terms of the contract.
- Locke asserted that governments could be altered, amended, changed or dissolved legitimately.
- Jean Jacques Rousseau was a Genevan philosopher who shaped the modern philosophical and social thought in the era of Romanticism.
- Rousseau placed a great deal of stress on the role of subjectivity and introspection in human life.
- Rousseau rose to fame with his prize winning essay Discourse on the Science and Arts. In the essay, he rejected progress based on the Arts and Sciences, as they did not elevate the moral standards of human beings.
- Rousseau's most famous book was The Social Contract.
- According to Rousseau, the emergence of civil society degenerated human society.
- Rousseau argued the natural man lost his ferocity, once he began to live in society. As a result, he became weak. He lost natural independence as his desires increased and comforts became a necessity.
- The creation of popular sovereignty by vesting in it the general will which led to the contribution of modern democracy is a unique contribution of Rousseau.
- The concept of general will is the central theme of Rousseau's doctrine.

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4.6 KEY TERMS

- **Political absolutism:** The political doctrine and practice of unlimited, centralized authority and absolute sovereignty, as vested, especially in a monarch or dictator, is called political absolutism.
- **Minimal state:** It is a state with powers limited to those necessary to protect citizens.
- **Retinue:** A group of advisers, assistants, or others accompanying an important person is called retinue.
- **Fiduciary:** A fiduciary is a person who holds a legal or ethical relationship of trust with one or more other parties (person or group of persons).
- **Presbyterian:** Presbyterian is a member of a Protestant church government in which the church is administered locally by the minister with a group of elected elder.

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- **Civil society:** The society composed of the totality of many voluntary social relationships, civic and social organizations, and institutions that form the basis of a functioning society is known as civil society.
- **Natural rights:** Rights that are not dependent upon laws, customs and beliefs pertaining to a culture or government and are therefore universal and inalienable are called natural rights.
- **Materialism:** The theory or attitude that physical well-being and worldly possessions constitute the greatest good and highest value in life.

4.7 ANSWERS TO ‘CHECK YOUR PROGRESS’

1. Hobbes’ aim throughout the treatise was to warn against the consequences of political conflict, the only cure for which, he thought was an absolute and undivided sovereignty.
2. Hobbes regarded power as the end of knowledge and an instrument to harness the forces of nature. He pointed out that all individuals are equal but differences arise due to their differing capacity for knowledge. He thus, set out to rewrite political theory and create a true science of man.
3. According to Hobbes, ‘Law of nature is a percept of general rule, found out by reason, by which a man is forbidden to do that which is destructive of his life or taketh (take) away the means of preserving the same; and to omit that by which he thinketh (thinks) it may be preserved. Law, and rights, differ as much, as obligation, and liberty, which in one and the same matter are inconsistent.’
4. According to Hobbes, since the law of nature requires individuals to seek peace, the only way to attain it is through a covenant leading to the establishment of a state. Individuals thus agree to enter into a covenant and surrender all their powers through a contract to a third party who are not a party to the contract. This third party who becomes the sovereign receives all the powers surrendered by the individuals. Thus, ‘the Commonwealth’ is constituted.
5. When individuals renounce the state of nature and enter into a covenant, an independent sovereign power emerges. The sovereign power is not a party to the contract but a beneficiary. The sovereign is the third party rights and Hobbes bestows on him all the rights for enforcing the contract by using force.
6. According to Hobbes, a Commonwealth or sovereign can be established by two methods: acquisition and institution.
7. John Locke’s conception of natural liberty is a moral conception of ‘perfect freedom’ and equality
8. To Locke, natural rights include life, liberty and estate which are collectively known as property.

9. According to Locke, since rights and duties are derived from the laws of nature, the most important of these is the right to hold others responsible for a breach of law and to punish them accordingly. Though Locke categorically rejects the right of a person to kill oneself, he grants the right to inflict penalties, including the death penalty, on others who violate the law in general or if another person's life is threatened. Locke explicitly rejects the right of the individual to commit suicide and murder.
10. For Locke, the relationship between society and the government is expressed by the idea of trust because it obviates making the government a party to the contract and giving it an independent status and authority.
11. Locke says men form political community through consent and become subject to political authority. He talks of two kinds of consent (i) express or direct, and (ii) tacit consent.
12. It is the responsibility of the society to watch whether the government is exercising its powers within the limits of the terms of the contract.
13. Rousseau severely criticized the advancement of art and science. He argued that the minds of the human beings have been corrupted in proportion to the advancement of the arts and science through the ages.
14. According to Rousseau, the emergence of civil society degenerated human society. He argued that the natural man lost his ferocity, once he began to live in society. As a result, he became weak. He lost natural independence as his desires increased and comforts became a necessity.
15. Rousseau maintains that liberty in the state of nature was a great boon. However, with increasing population and depletion of the treasures of nature, it was no longer possible for man to enjoy natural liberty as before. Thus, in the changed circumstances, natural liberty was threatened when the forces of nature no longer sustains them, they have to consolidate their own force to save themselves.
16. According to Rousseau, vanity among human beings and difference in property and possessions led to inequality.
17. According to Rousseau, the sovereign is responsible for creating the content of the basic laws of the nation, which is a more difficult task than the task of the government.
18. He claims that the notion or the concept of representation originated from the feudal government, which he deems as 'absurd and iniquitous government.' This form of government was responsible for the degradation of human kind.
19. To deal with corruption, Rousseau suggests the idea of frequent election, thus reducing the time and increasing the cost for the future corrupter.
20. According to Rousseau, the general will would be the source of all laws. A human being would be truly free if he followed the dictates of the law.
21. Civil liberty, for Rousseau, meant freedom from the assault of others, from following the arbitrary will of another person, and obedience to one's notion of liberty.

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4.8 QUESTIONS AND EXERCISES

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Short-Answer Questions

1. According to Locke, what are natural rights?
2. What is the role of reason in Locke's argument of law of nature?
3. How is Locke different from Hobbes in defining state of nature?
4. What was Locke's view on consent of the people?
5. What is Rousseau's view of science and art?
6. Differentiate between actual will and real will.

Long-Answer Questions

1. Examine Hobbes' idea of the state of nature.
2. Discuss Hobbes' social contract theory.
3. According to Hobbes, what are natural laws?
4. Hobbes visualized sovereign power as undivided, unlimited, inalienable and permanent. Discuss.
5. Examine Locke's conception of the state of nature.
6. Discuss Locke's social contract theory.
7. Unlike Hobbes, Locke created a limited sovereign. Comment.
8. Explain Locke's idea of limited government.
9. Examine Rousseau's conception of 'noble savage'.
10. According to Rousseau, submission to the general will creates freedom. Discuss.
11. The emergence of civil society degenerated human society. Examine this statement in light of the theories of Rousseau.

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