

Spring 1980

LITERATURE *of* LIBERTY

A Review of Contemporary Liberal Thought

John Locke's Theory of Property
by Karen I. Vaughn



John Locke (1632-1704)

LibertyPress LibertyClassics



Reflections on History

By Jacob Burckhardt

Jacob Burckhardt, the nineteenth-century Swiss historian and humanist, was a friend of liberty and a skeptic of power. He foresaw the coming of collectivism, and Nietzsche found in Burckhardt an historian who "was not dominated by the general whims and dared to see things realistically." First translated into English in 1943, *Reflections on History* was previously published in the United States under the title *Force and Freedom*. With an introduction by Gottfried Dietze. "No one predicted the modern totalitarian state more accurately"—Reinhold Niebuhr in *The Nation*. "A guided tour through the history of civilization"—*Saturday Review of Literature*. Hardcover \$9.00, Softcover \$4.00.

We pay postage, but require prepayment, on orders from individuals. Please allow four to six weeks for delivery. To order this book, or for a copy of our catalog, write:

LibertyPress/LibertyClassics
7440 North Shadeland, Dept. W18
Indianapolis, Indiana 46250

LITERATURE of LIBERTY

A Review of Contemporary Liberal Thought

Volume III, No. 1 Spring 1980

Bibliographical Essay

Karen I. Vaughn

John Locke's Theory of Property:
Problems of Interpretation

5

Summaries

Rights, Freedom, and Ethics 38

Locke and the Tradition of Dissent 48

Women, Family, and Freedom 64

Culture, Humanities, and Freedom 77

Index

Authors 87

Research Fields 88

Editorial Staff

Leonard P. Liggio
Editor

John V. Cody
Managing Editor

Suzanne Woods
Production Manager

Ronald Hamowy
Senior Editor

Literature of Liberty, published quarterly by the Institute for Humane Studies of Menlo Park, is an interdisciplinary periodical intended to be a resource to the scholarly community. Each issue contains a bibliographical essay and summaries of articles which clarify liberty in the fields of Philosophy, Political Science, Law, Economics, History, Psychology, Sociology, Anthropology, Education, and the Humanities. The summaries are based on articles drawn from approximately four hundred journals published in the United States and abroad. These journals are monitored for *Literature of Liberty* by the associate editors.

Subscriptions and correspondence should be mailed to *Literature of Liberty*, 1177 University Drive, Menlo Park, California 94025. The annual subscription rate is \$12 (4 issues). Single issues are available for \$4 per copy. Overseas rates are \$20 for surface mail; \$34 for airmail. An annual cumulative index is published in the fourth number of each volume. Second-class postage paid at San Francisco, California, and at additional mailing offices.

©Institute for Humane Studies 1980

ISSN 0161-7303

Cover: John Locke (1689) by Hermann Varelst. Courtesy of the National Portrait Gallery in London, England.

Associate Editors

John E. Bailey, III
Rome, Georgia

Randy Barnett
Chicago, Illinois

William Beach
University of Missouri

Donald Bogie
Georgetown University

Samuel Bostaph
Western Maryland College

M. E. Bradford
University of Dallas

Alfred Cuzan
New Mexico State University

Douglas Den Uyl
Marquette University

Edward C. Facey
Hillsdale College

John N. Gray
Jesus College, Oxford University

Malcolm Greenhill
Oxford University

M. E. Grenander
SUNY at Albany

Walter Grinder
University College, Cork, Ireland

John Hagel
Cambridge, Massachusetts

Jack High
University of California, Los Angeles

Tibor Machan
Reason Foundation, Santa Barbara

William Marina
Florida Atlantic University

Gerald O'Driscoll
New York University

Lyla O'Driscoll
New York Council for the Humanities

David O'Mahony
University College, Cork, Ireland

Ellen Paul
Miami University

Jeffrey Paul
University of Northern Kentucky

Joseph R. Peden
Baruch College, City University of New York

Tommy Rogers
Jackson, Mississippi

Timothy Rogus
Chicago, Illinois

John T. Sanders
Rochester Institute of Technology

Danny Shapiro
University of Minnesota

Sudha Shenoy
*University of Newcastle
New South Wales*

Bruce Shortt
Harvard Law School

Joseph Stromberg
University of Florida

David Suits
Rochester Institute of Technology

Karen Vaughn
George Mason University

Alan Waterman
Trenton State College

Marty Zupan
Santa Barbara, California

Editorial

John Locke (1632–1704) was identified by Joseph Schumpeter (*History of Economic Analysis*) as among the “Protestant Scholastics” of whom his forerunners were Hugo Grotius, Thomas Hobbes, and Samuel Pufendorf. This natural law tradition (Cf. *Literature of Liberty*, I, 4) was paralleled by René Descartes’s *Discourse on Method* (1637). Descartes’s emphasis on the principle of the uniformity of natural law had awakened Locke’s interest in philosophy. Succeeding Descartes as the leading philosopher of the eighteenth century Enlightenment, “le sage Locke” remained a critical heir of Cartesian thought, and his philosophical growth drew inspiration from a wide range of other sources. The Scholastic Aristotelianism of Puritan Oxford, including Aquinas and Albertus Magnus, stimulated Locke’s interest in scientific investigation, and in addition he sought to synthesize the best elements of the leading thinkers of seventeenth century philosophy.

The impact of the Arminianism of Holland was central to his tolerant religious thought as it had been for Grotius. Arminian interest in the foundations for a universal Christian church influenced Locke’s *Essay on Toleration* with its conception of Christianity as requiring belief in only a few essential doctrines. Cambridge Platonism contributed to Locke’s critique of Hobbes’s political views against which he wrote the *Two Treatises on Civil Government*. Locke’s empiricism owed much to his contact with Robert Boyle, founder of the Royal Society, and to the school of Pierre Gassendi (1592–1655). Leibnitz considered Locke a leading Gassendist, and R. I. Aaron (1937) notes that Locke’s *Essay on Human Understanding* becomes “more intelligible if read alongside Gassendi’s works.” Locke’s scholarship suggests that a rational science of morals was possible within the limits set by Gassendists such as Francois Bernier’s Christian epicureanism as contrasted with Hobbes’s materialist hedonism.

Bernier, a fellow physician of Locke’s, travelled to North Africa, the Near East, and India, and wrote travel literature. Locke’s own extensive knowledge of travel literature suggests that he may have edited a major series of voyage literature. On this topic, see William G. Batz, “The Historical Anthropology of John Locke,” *Journal of the History of Ideas* 35(Oct.–Dec. 1947). This literature influenced Locke’s concepts of the state of nature and of the historical origins of property which leads through Pufendorf and Locke to Adam Smith and Lord Kames in the Scottish Enlightenment.

On property Locke believed, with his fellow philosophers, that men had been given the earth, air, sunlight and rainfall to be used beneficially. But, the use of these common gifts required their possession in absolute property (*Second Treatise* 34). Locke's theory of property begins with the absolute ownership which each man has in his own person. By mixing his labor with natural resources man makes these products his property (*Second Treatise* 27).

In contrast to Whig political philosophers, Locke did not appeal to English history in the form of the ancient constitution or a concrete original contract. From his extensive readings in cosmopolitan human history, Locke looked to sources which were human in a universal sense and found them in human reason and a rational law of nature. Human action and human freedom were determined by rational natural law. From natural law, Locke deduced that all men were created free and equal, that no man was made for another man's benefit, and all men had the natural rights to life, liberty, and property. If civil governments interfered or abused these rights, men had the right of political resistance to vindicate their rights. Locke's movement of political philosophy away from national historical precedents to man as man created the basis for eighteenth century Enlightenment political thought, especially influencing the Scottish Enlightenment (cf. Louis Schneider, ed., *The Scottish Moralists on Human Nature and Society*, Chicago: University of Chicago Press, 1967).

The influence of Locke's writings, especially the *Two Treatises*, has been enormous. Shortly after the original edition appeared, a French edition was published containing only the *Second Treatise*, less the first chapter. In that form it was reprinted a dozen times in France in the eighteenth century. Although American readers were nourished on the many reprints of the original editions until the American Revolution, the first American edition in 1773 followed the form of the French editions. In recent years a controversy among historians has debated the importance of Locke's political philosophy in the eighteenth century Atlantic revolutions. Until recently, his ideas were seen as a dominant influence on the American and French revolutions and the radical liberals in England. But some critics have claimed that Locke's ideas were either influential only through intermediaries or were eclipsed by the ideas of rival authors. These critics are, in turn, being challenged by historians whose scholarship has been restoring Locke's political philosophy to center stage in eighteenth century radical political thought. This debate stresses the need of a clearer understanding of Locke's ideas. On this see Ronald Hamowy, "Jefferson and the Scottish Enlightenment" *William and Mary Quarterly* 36(October 1979), as well as Hamowy's forthcoming comments in the July, 1980 issue of the same journal.

Bibliographical Essay

John Locke's Theory of Property: Problems of Interpretation

by Karen I. Vaughn

The Problem: Locke, Liberalism, and Property

John Locke's major political analysis, *The Two Treatises of Government* (1690),¹ has long been hailed as a seminal work in the history of political liberalism. In the *Second Treatise* especially, it is generally recognized, Locke argues the case for individual natural rights, limited government depending on the consent of the governed, separation of powers within government, and most radically, the right of people within a society to depose rulers who fail to uphold their end of the social contract. While the history of the writing of the *Treatises* shows that it was first conceived and executed as a revolutionary tract,² its importance has far exceeded the specific revolutionary machinations which occasioned it. Although the nature of its influence on subsequent ideas is debated among scholars, few question its powerful influence on French, American, and, to a lesser extent, Spanish revolutionaries in the eighteenth and nineteenth centuries.³ As a work in political philosophy, its theoretical influence is no less acknowledged.

Despite the familiarity which even casual students of the history of political theory have with this much discussed and quoted work, there is little about it that has not aroused controversy among Locke scholars. What may seem obvious to the occasional reader provides a bone of contention for endless debate within academia. While this scholarly dissension may not distinguish Locke's writings from those of any other important thinker, it does create (or rather reflect) interesting problems of interpretation for anyone who would understand the roots of political liberalism. This is especially true in one of the most debated and controversial areas of Locke's political philosophy, his theory of property.

For most of the nineteenth and early twentieth century, Locke's theory of property as found in the *Second Treatise of Civil Government* was regarded as the cornerstone of classical liberalism.⁴ His attempt to ground the right to property in natural law was seen to be an important device for asserting the rights of individuals against the state and for limiting the moral authority of the state in a crucial area of human endeavor. The theory of property was understood to be central to the structure of Locke's argument in the *Second Treatise* in that it serves as an explanation for the existence of government and a criterion for evaluating the performance of government. Locke's individualist, private property stance was not always admired or believed to be without flaw, but criticism was leveled within the context of Locke's claim to a place as a liberal philosopher. He was understood as a constitutionalist liberal who provided a mediocre defense of private property.

In the middle part of the twentieth century, the whole constitutional-limited government-liberal enterprise has been called into question, and part of the questioning process has been a renewed interest in the political philosophy of John Locke. Heraldizing the new interest in Locke were three studies that challenged Locke's credentials as a classical liberal and all based their challenge on a reading of Locke's theory of property. The works of Willmoore Kendall, Leo Strauss, and C.B. MacPherson all argued that Locke was not at all what he was supposed to be, and they thereby opened up a new investigation of the meaning and importance of Locke's theory of property in his political thought.

Locke's Theory of Property In Outline

The outline of Locke's theory of property in the *Second Treatise* is well-known. He begins his discussion of the origin of property in the state of nature, that pre-political state so familiar to seventeenth century philosophers.⁵ In this state of nature, according to Locke, men were born free and equal: free to do what they wished without being required to seek permission from any other man, and equal in the sense of there being no natural political authority of one man over another. He quickly points out, however, that "although it is a state of liberty, it is not a state of license,"⁶ because it is ruled over by the law of nature which everyone is obliged to obey. While Locke is not very specific about the content of the law of nature, he is clear on a few specifics. First, that "reason, which is that law, teaches all mankind who will but consult it," and second, that it teaches primarily that "being all equal and independent, no one ought to harm another in his life liberty or possessions."⁷ Hence, right from the beginning of the essay, Locke places the right to possessions on the same level as the right to life, health, and liberty.

While the right not to be harmed in one's life or liberty might have seemed self-evident to Locke's readers, the right not to be harmed in one's possessions might have seemed less so. Hence, Locke devotes all of Chapter V of his *Second Treatise* to tracing the steps by which reason teaches that men ought not to be harmed in their possessions.

*Appropriation in the State of Nature: Self-ownership
and Labor*

In Chapter V, Locke's premise, which he shared with most seventeenth century writers, was that God gave the earth and its fruits in common to men for their use. The problem he faced was to explain how commonly available resources can become legitimate private property which excludes the right of other men.⁸ Locke begins his argument by identifying the one form of property against which no other man could possibly have a claim in a world of political equals, the property each man has in his own person. The idea of one having a property in himself was not peculiar to Locke. It was fairly common in seventeenth century writing and had been used extensively before Locke by Hugo Grotius. It was a definition of personality—that which constituted the individual, and it included one's body, actions, thoughts, and beliefs.⁹ Locke built on this concept of self-ownership when he used it to explain how one derives a right to possess objects outside of one's self, his famous (or infamous) labor theory of property:

... everyman has a property in his own Person. This no body has any right to but himself. The labour of his body, and the work of his hands, we may say, are properly his. Whatsoever then he removes out of the state that nature hath provided, and left it in, he hath mixed his labour with, and joyned to it something that is his own, and thereby makes it his property. It being by him removed from the common state nature placed it in, it hath by this labour something annexed to it, that excludes the common right of other men.¹⁰

Although Locke uses the term *labor* to characterize the act by which men create property, it is clear from the examples which follow that labor is defined very broadly. Labor, for Locke, includes picking up acorns from the ground, gathering apples from wild trees, tracking deer in the forest, and catching fish in the ocean;¹¹ labor ranges from simple acts of appropriation to production involving planning and effort. It is a creative and purposeful act that extends the limits of personality to physical objects previously in the common stock.¹²

After having established an individual's right to own property in the state of nature, Locke goes on to define the right to property broadly enough to include both "the fruits of the earth and the earth itself,"¹³ both the goods one creates and the land one cultivates.

Furthermore, perhaps to justify this strange doctrine to his readers, that "the property of labour should be able to over-balance the community of land,"¹⁴ Locke goes on to claim that the right to private property worked to the advantage of the population as a whole. Locke argued that private property was not only moral, but useful, because "'tis labour indeed that puts the difference of value on every thing; and let any one consider, what the difference is between an acre of land planted with tobacco, or sugar, sown with wheat or barley; and an acre of the same land lying in common, without husbandry upon it, and he will find, that the improvement of labour makes the far greater part of the value."¹⁵ The implication is that unassisted nature really provides very little that is useful to mankind. This can be interpreted tautologically since labor includes every act of appropriation and acorns lying on the ground have no value to human life until they are picked up and eaten, but Locke means more than this.

"I think it will be but a very modest computation to say, that of the products of the earth useful to the life of man, 9/10 are the effects of labour: nay, if we will rightly estimate things as they come to our use, and cast up the several expenses about them, what in them is purely owing to nature, and what to labour, we shall find, that in most of them 99/100 are wholly to be put on the account of labour."¹⁶ In fact, he argues that the raw materials of the goods men consume daily are really the least part of the pleasures enjoyed from them since "labour makes the far greatest part of the value of things we enjoy in this world."¹⁷ Hence it should be no cause for complaint if natural law dictates that labor guarantees the right to property since labor is at least 9/10ths responsible for the value of goods created. God may have given the world to men, but in order to enjoy the gift, men have to create property by exercising their creative intelligence and their bodies in physical labor.¹⁸

Limits on Property in the State of Nature

While Locke argues that men have a right to create and enjoy their property, he also argues that there are limits to that right in the state of nature. The first limit is alluded to when he describes how property is created. He says, "Labour being the unquestionable property of the labourer, no man but he can have a right to what that is once joined to, at least where there is enough and as good left in common for others."¹⁹ The implication is that one's right to property is only clear and exclusive so long as it doesn't jeopardize anyone else's ability to create equivalent kinds of property for himself. Locke does not stress this limitation, but puts most of the force of the limitation on property on his next argument. As much property "as anyone can make use of to any advantage of life before it spoils; so

much he may by his labour fix a property in. Whatever is beyond this, is more than his share, and belongs to others." The reason for this limit is that "Nothing was made by God for Man to spoil or destroy."²⁰

Locke infers that as long as men heed the injunction not to allow anything to go to waste uselessly in their possession, there will in this early state of nature, be plenty of land and resources to go around for everyone. He argues further that originally in the state of nature, there was no incentive for anyone to try to accumulate more property than he could use since most goods were perishable.²¹ In fact, Locke seems to describe an early state of existence in which populations were small and resources abundant although the general level of wealth was probably very low. There was no accumulation of wealth and relatively little land ownership in a basically nomadic population.

*The Money Economy as a Means of Overcoming
the Limits on Property*

He apparently believes men found this original economic organization to be inconvenient because he describes a process by which men find a way to accumulate wealth by developing a money economy:

He that gathered a hundred bushels of acorns or apples, had thereby a property in them; they were his goods as soon as gathered. He was only to look that he used them before they spoiled; else he took more than his share, and robbed others. . . . If he gave away a part to any body else, so that it perished not uselessly in his possession, these he also made use of. And if he also bartered away plumbs that would have rotted in a week, for nuts that would last good for his eating a whole year, he did no injury, he wasted not the common stock; destroyed no part of the portion of goods that belonged to others, so long as nothing perished uselessly in his hands. Again, if he would give his nuts for a piece of metal, pleased with its color; or exchange his sheep for shells, or wool for a sparkling pebble or a diamond, and keep those by him all his life, he invaded not the right of others, he might heap up as much of those durable things as he pleased; the exceeding of the bounds of his just property not lying in the largeness of his possession, but the perishing of any thing uselessly in it.

And thus came in the use of money, some lasting thing that men might keep without spoiling, and that by mutual consent men would take in exchange for the truly useful, but perishable supports of life.²²

Thus, although nature puts both a moral and an effective limit on the amount of property anyone can accumulate, the amount he can use without allowing anything to spoil, the limit is not defined by the amount of anything a person owns, but by the consequences of ownership. As long as nothing spoils in one's possession, it doesn't

matter how much property anyone owns. Consequently, Locke reasons, men will try to find ways of storing their excess products by trading perishable goods for more durable ones that can be used in the future. In the course of this trading process, he implies, one commodity, the most durable and easily tradable one, eventually becomes commonly acceptable as a money commodity.²³ Locke describes this process as men consenting to use money, a form of agreement which enables men to avoid the disadvantages implicit in the original natural limits to property ownership in the state of nature.

The Need to Protect Property Leads to Government

While the use of money is a reasonable way of getting around the difficulties of storing wealth, its consequences are profound. Money permits the more "industrious and rational"²⁴ and therefore the more productive, to accumulate the products of their labor and thus to increase their wealth relative to the less industrious or talented. Furthermore, the growing accumulation of physical property and land puts pressure on natural resources and makes it increasingly less likely that any individual could find "enough and as good" land left over after appropriation by others. Hence overcoming the spoilage limitation also implies the end to the certainty that no one will be adversely affected by property ownership. Locke seems to argue that the consequences will be property disputes and increasing concern for personal safety, although these consequences follow as much from the growth of population as from increasing resource scarcity brought about by the introduction of money into the state of nature. The result, however, is that men will find it greatly to their advantage to come together to form a contract to enter into civil society and establish a government.²⁵

The reason, then, that men form societies and governments is to protect their property which Locke takes to include life, liberty, and estate.²⁶ In the state of nature, with resource scarcity and men "no great observers of equity and justice,"²⁷ the ability to enjoy life, liberty, or one's estate becomes limited indeed. By agreeing to give up his right to be a judge in his own case, each man gains the benefits of increased order and security. Hence the ownership of private property is one of the major causes of the existence of the state. Once men form states, the government is expected to rule in the public good and not for its own good, and one of the ways it fulfills this charge is by regulating property so as to make it secure.²⁸ Should the government fail to meet its obligations, for instance by arbitrarily confiscating property, the citizens have the right to change the government.²⁹

Difficulties of Interpretation in Locke Scholarship

This outline of Locke's theory of property and the relationship to the origin of government conceals a plethora of difficulties. Almost anyone who has taken the trouble to study carefully Locke's theory of property comes away with a great sense of puzzlement. The exposition seems fraught with inconsistencies and partially explained ideas. Locke seems to raise more problems than he solves and one cannot help but wonder not only what Locke meant to say, but also what he actually said. The problems are by no means trivial ones. The kinds of questions Locke scholars try to answer are some of the most profound in political philosophy: Did Locke believe in natural law? What were the characteristics of the state of nature where men were presumed to live without government? Was it peaceful or chaotic, poverty stricken or comfortable? The answer to these questions implies a view of the contribution of government to human welfare. How much property did Locke think any one individual was entitled to own? Did he approve of acquisitive behavior? Why should men be willing to trade their natural freedom for the restrictions of civil society? Once they do, what is the status of property in civil society? Each of these questions appears to have conflicting answers in the text of Locke's *Two Treatises*.

It is, as a result, a fairly simply matter to justify any of a number of interpretations of Locke's theory of property by claiming that his statements which support one interpretation are the ones he really meant while the apparent contradictory statements were slips of the pen. It is a frustrating problem of Locke scholarship that such an interpretive process might be necessary and might even lead to a correct analysis of Locke's meaning. How one decides which statements Locke means and which are unimportant or slips is another question. Some have relied on minute textual exegeses, others have argued that Locke's *Treatises* can only be fully understood in relationship to his other work, and still others have argued that the text is a cover for a hidden meaning that must be ferreted out by breaking Locke's code.

The difficulties inherent in trying to discover what a thinker "really meant" apart from what he happened to write down can be well illustrated by examining the three unusual, even eccentric interpretations of Locke already alluded to, all of which claim to provide the real key to Locke's political philosophy: Willmoore Kendall's interpretation of Locke as a majority rule democrat, Leo Strauss's (and Richard Cox's) view of Locke as a secret Hobbesian, and, most important for Locke scholars, C.B. McPherson's analysis which labels Locke as a capitalist apologist by revealing the possessive nature of his individualism.

Kendall's Locke: the Rule of the Majority vs. Individual Property Rights

Willmoore Kendall's study, *John Locke and the Doctrine of Majority Rule* (1941) was intended to illuminate the general problem of the status of the principle of majority rule in societies. Kendall himself is obviously antagonistic to the doctrine insofar as it implies the ability of the majority to trample on the rights of minorities, so his characterization of Locke as "the captain of the team"³⁰ of majority rule democrats is not intended to be flattering. Particularly irksome to Kendall is the more common view that Locke was the "prince of individualists," the champion of individual rights against the state, of limited government and the sanctity of property: in short, the interpretation which we are advancing. Kendall makes his case for Locke's essential majority rule collectivism by examining "the most crucial of the 'natural' individual rights which he is thought to have defended," the natural right to property.³¹

Kendall argues that far from championing inalienable individual rights, Locke saw rights to be derived from social duties, that rights "inhere in the individual as related to other individuals in a community whose characteristic is a complex of reciprocal rights and duties."³² Hence, rights can be withdrawn by the community should the individual fail to perform the duty which guaranteed his right in the first place. The primary case in point to Kendall is the right to property. Although he agrees that Locke seems to give individuals an unquestioned right to the property they create by the mixing of their own labor with land in the state of nature. Kendall claims that "when Locke has to choose between the individual's right of property in that with which he has mixed his labor and the common right of men to their preservation, he unhesitatingly sacrifices the former to the latter."³³

The crux of Kendall's argument is his reading and interpretation of Locke's justification of private property. Kendall argues that a truly individualistic natural right to property should include the assumption that a person's right to property is inviolable and that it can never legitimately be set aside for "the convenience and welfare of others."³⁴ This, Kendall correctly points out, Locke never meant to argue. It is fairly easy to show that Locke believed each man had a duty to preserve the lives of others "as much as he can" and "when his own Preservation comes not in competition."³⁵ Locke clearly places a moral responsibility on the part of property owners to engage in acts of charity in life-threatening situations. This in itself does not mitigate the individualist nature of the right to property, however, since it is not clear that a moral duty should be enforced by an agency outside of the individual.

More convincing evidence for Kendall's position are all the passages where Locke describes the benefits of property ownership for mankind as a whole. Kendall argues that the import of these passages is to make of property nothing more than an expedient for improving the lot of mankind; property ownership is justified not because it conforms with natural law per se, but because it is the best means to the end of preserving mankind. Kendall further strengthens his claim by arguing:

Indeed, in his discussion of property in land, Locke's language appears to commit him to the view that the burden is always upon the exerciser of the right of property to prove that "others" will not suffer from the appropriation; and it is abundantly clear that he is thinking of the right of property simply as a function of one's duty to enrich mankind's common heritage.³⁶

Here, Kendall has gone too far. It is unquestionable that Locke believed property ownership would always benefit society as a whole, but the justification was not one of expediency. The burden of proof was *not* always upon the property owner to prove that others will not suffer from the appropriation as Kendall claims.³⁷

*Locke's Two Arguments for Property: Natural Rights
and Social Benefits*

Locke's discussion of the origin of private property includes two sorts of arguments in favor of property. The first is the natural rights argument where self-ownership implies ownership of those goods created by men through labor. This right is absolute in that it follows from natural law and reason, although it is bounded by the limitation that no one may permit resources to spoil in his possession, and, possibly, that there be alternative opportunities for others to create their own property. The fact that there are limits to the right to property does not make it less individualistic, however. God may have given the world to men in common for their use, but God also gave to individuals the rights to create their own property and to make use of it "to any purpose." This is one of those happy occasions where natural law and individual rational perceptions of natural law generally coincide.

The second kind of argument in favor of private property is what Kendall calls the expedient. As we have seen, Locke calls attention to the productivity of labor by pointing out in various instances how labor contributes to the greatest part of the value of all things.

Let anyone consider, what the difference is between an acre of land planted with tobacco or sugar, sown with wheat or barley; and an acre of the same land lying in common, without any husbandry upon it, and he will find that the improvement of labour makes the far greater part of the value.³⁸

Labor produces far more of the value of products than does land:

'tis labour then which puts the greatest part of the value upon land, without which it would scarcely be worth anything: 'tis to that we owe the greatest part of all its useful products: for all that straw, bran, bread, of that acre of wheat, is more worth than the product of an acre of as good land, which lies waste, is all the effect of labour.³⁹

These passages establish the relative importance of the contribution of labor to the production of things people value and help to explain why natural law would permit the "property of labour to over-balance the community of land."⁴⁰ Locke further points out that the increased productiveness of private land over common land implies an increase in the economic well-being of the community as a whole:

He that incloses land and has a greater plenty of the conveniencys of life from ten acres, than he could have from an hundred left to nature, may truly be said to give ninety acres to mankind. For his labour now supplies him with provisions out of ten acres which were but the product of an hundred lying in common.⁴¹

From passages such as these, Kendall concludes that Locke means to *justify* property ownership by the social benefits it confers, that the expediency arguments take precedence over the natural right arguments for property. This is not the case. The social benefits Locke describes are dividends of property ownership which he points out to quiet any grumblings from the "quarrelsome and contentious" who might be apt to challenge the natural right to property. In fact, Locke's discussion of the right to property is characteristic of his thought on many issues. There is both a natural right dictated by natural law (and obvious to anyone who will take the time to think about it) and a benefit that flows from observing natural law; everyone is better off with private property in the state of nature where "right and conveniency went together."⁴² When right and conveniency don't go together, as happens in the state of nature after money comes into use, men establish civil governments to protect their right to enjoy the property created by each of them in the state of nature.

There may still be an argument to be made for Locke as a majority rule democrat within government where governments regulate the right to property,⁴³ but the case cannot be supported with Locke's theory of property in the state of nature.

Leo Strauss's Locke: Hobbesian Individualism, The Spirit of Capitalism, and Property

Whereas Kendall sees Locke as a majority rule democrat who does not deserve his reputation as an individualist champion, Leo Strauss offers the exact opposite interpretation in his influential

Natural Right and History (1953). Here Strauss argues that Locke's theory of property is reflective of the individualism that leads to the "spirit of capitalism,"⁴⁴ an individualism that was a more advanced expression of the political philosophy of Hobbes.⁴⁵ Although Locke used the language of natural law and natural rights, of limitation on property and of charity, the language was simply a cover that allowed him to convey his true message while avoiding hostility on the part of the reader. According to Strauss, Locke really believed there is no genuine natural law, only conventional law, and there are "no natural principles of understanding: all knowledge is acquired; all knowledge depends on labor and is labor."⁴⁶ Locke in this reading is a hedonist, for whom the greatest good is "in having those things which produce the greatest pleasure"⁴⁷ — a materialist hedonist at that. Locke's true message in his theory of property, according to Strauss, was that "covetousness and concupiscence, far from being essentially evil or foolish, are, if properly channeled, eminently beneficial and reasonable, much more so than 'exemplary charity'".⁴⁸ Strauss makes of Locke an early Mandeville when he claims "By building civil society on the 'low but solid ground' of selfishness or of certain 'private vices,' one will achieve much greater 'public benefits' than by futilely appealing to virtue, which is by nature 'unendowed.'"⁴⁹ Going even further, Strauss makes Locke an early Adam Smith when he argues that Locke believed "restraint of the appetites is replaced by a mechanism whose effect is humane,"⁵⁰ the mechanism being money or, more accurately, a money economy.

Strauss's reading of Locke as a Hobbesian individualist is impressionistic at best. He communicates a feeling about the import of Locke's message with very little evidence produced from Lockean texts. Strauss's interpretation would not even be mentioned here did it not raise some interesting questions for Locke scholarship addressed by later writers. The first question is methodological and asks to what degree can we read through an author's published words to the underlying real meaning. Strauss reasons that if Locke appears contradictory, perhaps he was deliberately contradictory to serve his greater purpose. Strauss believes that Locke used the language of natural law and natural rights, charity, and restraint to make his message more palatable to his audience. By reading Locke this way, of course, Strauss ignores or discounts all those passages which drove Kendall to see Locke as a collectivist in individualist clothing. Strauss and Kendall cannot both be right.

The second question raised by Strauss is substantive. Surely the elements Strauss chooses to emphasize are present in Locke's writings. To what degree, then is it correct to view Locke as embodying the "spirit of capitalism"?

Richard Cox and the Problem of Order in the State of Nature

The methodological question raised by Strauss was addressed with unmatched exuberance by Richard Cox in his relatively little known work, *Locke on War and Peace* (1960). Cox argues that Locke wrote the *Two Treatises* on two levels. The first level uses the conventional language of natural law and biblical teaching to convey the impression that he had a perfectly orthodox view of man's nature and his relationship to his fellow man. The second, deeper level of writing, however, actually was meant to convey exactly the opposite view, that man was a Hobbesian creature ruled by passions whose life would be at best "nasty, poor, brutish, ugly and short" without the institution of some kind of government to improve his lot, and that, to act effectively the government in power would have to take account of the natural base passions of man.

Cox's Hobbesian Locke: The Circumstantial Evidence

Cox bases his case for Locke's "secret writing" on two kinds of evidence. The circumstantial evidence that Locke hid his true meaning is marshalled from a reading of Locke's personality and the historical circumstances within which he wrote. All Locke scholars have remarked on Locke's extreme caution with regard to political matters. He rarely uttered a controversial word in the political arena, and when he did commit himself to writing, he refused to acknowledge his authorship. The same can be said about his views on religion which were suspected of being heterodox in the extreme. He did not relish open debate, and neither would he have been willing to lose his political influence as a result of being embroiled in too much public controversy. Even more importantly, where political writings were concerned, controversial doctrines were frequently held to be seditious doctrines and could lead the author straight to the gallows. This was the sad fate of Algernon Sidney, another writer of controversial political doctrine resembling Locke's.⁵¹

Locke's caution with regard to his political views reflects his rational response to the political uncertainties of his age, and provides acceptable evidence of his desire to write as much as possible in the language of the majority view. That the views Locke was trying to insinuate in his writings were Hobbesian, as Strauss and Cox maintain, does not necessarily follow. Recent research has established that Locke's immediate purpose in writing the *Two Treatises* happens to have been exactly the one he described, to refute Filmer's divine right of King's doctrine,⁵² and "to establish the true, original and extent of civil government." The work was an integral part of his patron's, the Earl of Shaftesbury's, plot first to

exclude the Catholic James II from the throne and finally to establish the Duke of Monmouth as the next King of England. Shaftesbury's plots were clearly treasonous and Locke had ample reason to exercise caution concerning the publication of his essays. Although originally written around 1683,⁵³ he waited until 1689–1690 to publish the essays after James was deposed and Prince William of Orange safely ensconced on the throne. By then, it was safer for writers to propose that governments rested on contracts, but to add an extra margin of safety, Locke wrote an introduction presenting the *Treatises* "to make good the throne of King William" to be certain William couldn't perceive the *Treatises* as a threat to his sovereignty. Locke nevertheless continued vehemently to deny his authorship of the *Treatises* until he was on his death bed and had nothing further to lose by disclosure. His caution is adequately explained by the radical nature of his arguments for government by contract, the limited powers of even elected officials and the right of oppressed populations to change rulers. Given the historical background of the *Treatises*, it is unlikely that Locke would have gone to all that trouble of concealment solely because his views may have had some affinity to those of Hobbes.⁵⁴

Cox's Hobbesian Locke: The Substantive Evidence

Cox's substantive evidence for the Hobbesian nature of Locke's thought depends upon a careful attempt to sort out the inconsistencies in the *Two Treatises* in order to break Locke's code. His reading is ingenious and partially, if not wholly convincing, resting as it does on Cox's interpretation of Locke's state of nature and the conditions of men in that natural state. Cox claims that far from describing an orderly and peaceful state of nature, Locke really intends to describe a natural state where conditions are so stark and dismal that individuals willingly escape to government.

Cox, as does Strauss implicitly, raises an interesting question. If the state of nature is so congenial as many readers of Locke believe, why do men give up their freedom willingly to government? Locke clearly states that there are inconveniences in the state of nature where men are all judges in their own disputes, and that "men are no great lovers of equity and justice."⁵⁵ He also states that men have a natural sociability that drives them into society.⁵⁶ Virtually no Locke scholar believes that Locke thought individuals could persist in the state of nature for very long. But why not? Cox argues, as we have seen, that Locke held a very Hobbesian view of the state of nature characterized by ongoing battles and extreme poverty.⁵⁷ As evidence of the poverty, Cox points to Locke's many statements about the great value of labor and the relative worthlessness of land; and he cites Locke's observations about the failure of men to

observe the law of nature as evidence of their inherent brutality outside of civil society.⁵⁸ He insists that, given Locke's description of men in their natural condition, although they may in principle have a right to life, liberty, and property, they can meet the objective conditions necessary to enjoy these rights only in government.

Problems with Cox's View of Locke

Cox carries his reading of Locke a bit too far to be completely persuasive. In Locke's state of nature there is certainly relative poverty and some strife, but the level of each is inversely correlated to the level of the other. In the earliest stages of existence before the introduction of money, there was no property accumulation, little land ownership, and, one can infer, a great deal of poverty (although this is not completely clear. Locke does talk as if men have as much as they "need" in this early time).⁵⁹ We have seen that the introduction of money increases wealth both for the "industrious and rational"⁶⁰ who accumulate large amounts of property, and for those who benefit only indirectly from the spillover benefits when others create property.⁶¹ However, the cost to mankind of the use of money is the increasing dissension brought about by increasing resource scarcity and greater inequality of income. Although by using money, men tacitly consent to the unequal distribution of wealth and hence should have no cause for complaint, in fact "men are no great respectors of equity and justice" and the enjoyment of property becomes less and less secure. Contrary to Cox's argument, however, it isn't necessary that everyone act contrary to natural law: or to be in a constant state of war with everyone else in order for the state of nature to be intolerable. The level of disorder could conceivably become intolerable if only a small percentage of the population engages in criminal behavior.

An even more interesting problem concerns the possibility of disputes among otherwise law abiding men in the state of nature. If increasing populations and accumulations of wealth lead to a disappearance of the common property, as Locke supposes, there will no longer be "enough and as good" left for everyone, and there could easily be an increase in the number of property disputes in which the title to property is not immediately obvious to everyone. (Remember, it is *clear* that labor grants a title to property only where there is enough and as good left in common for others. Where this is no longer the case, perfectly honorable men could be unable to settle disputes about property ownership when each is judge in his own case. This reading would still result in rational humans desiring to leave an inconvenient state of nature, but it allows them to do so with more dignity. It also makes it seem more plausible that they could be rational enough to create property in the first place, and to

enter into a contract as formal as necessary to begin civil society. Furthermore, this reading gives more credibility to the emphasis Locke places on the limitations of government. If the state of nature is really as mean and miserable as Cox believes, any government is better than no government, even for a short period of time, and Locke clearly did not believe that to be the case.

That Locke believed civil society to be preferable to the state of nature is unquestionable. However, it is equally unquestionable that he believed there were limits to the powers of government, which limits derived from men's condition in the natural state. When government tramples on the rights of individuals, especially when it confiscates the property it was organized to protect, men might very well reason that they would be better off with another government. Locke argued that men would never again revert to a state of nature once they contracted into civil society, but they would replace one government with another. In an age accustomed to claims of absolute monarchs, this contractual theory of government was a revolutionary statement. Men do have rights and they do have power to control the government to insure that the government operates in their interest rather than in its own interest. This is the radical political message of the *Second Treatise*, and a message that is not primarily Hobbesian.

MacPherson's Locke: Possessive Individualism and Property

The question of how much of Locke to take seriously in assessing his theory of property arises again in the work of C.B. MacPherson. In 1962, MacPherson published one of the most original and provocative studies of Locke's political philosophy. MacPherson's study of Locke was presented within the context of a treatise on *The Political Theory of Possessive Individualism* in which he argued that the distinctive feature of the individualism espoused by the classical liberal philosophers was its possessive nature: its focus on the importance of private property to individualist political philosophy.⁶² Hence, in MacPherson's work, the theory of property took center stage in his overall evaluation of Locke. MacPherson argued persuasively not only that Locke's political philosophy reflected the "spirit of capitalism" as had Strauss, but he claimed even more strongly that Locke consciously designed his theory of property to provide a rationale for the developing capitalist society of seventeenth century England. He saw Locke as one of the first apologists for capitalist appropriation and an advocate of the "dictatorship of the bourgeoisie."⁶³

Because MacPherson's interpretation of Locke is radical and undeniably Marxist both in the structure of his argument and in his moral attitudes, it has aroused a good deal of adverse criticism.⁶⁴

Nevertheless, the exposition is so tightly argued and the interpretation so coherent that it has significantly altered the course of Locke scholarship. No one can write about Locke after MacPherson without carefully considering his position. It is necessary for serious Locke scholars to contend with MacPherson, moreover, not because he is necessarily correct, but because he has managed to ask many significant questions that arise in Locke's theory of property and civil government.

Locke's Hidden Assumptions: "Possessive Individualism"

Despite the many inconsistencies which have been the bane of generations of Locke scholars, MacPherson claims that Locke's political theory becomes completely intelligible and consistent once Locke's hidden assumptions are made explicit. Locke's alleged hidden assumptions are all elaborations of what MacPherson calls "possessive individualism," the assumptions that people relate to each other primarily as owners, that individual freedom is a function of the possessions of individuals and that society is nothing but the sum of the "relations of exchange between proprietors." The culprit responsible for such a philistine society according to MacPherson is the very concept of self-ownership wherein the individual himself is seen as a property and as neither a moral whole nor a part of a larger social whole.⁶⁵

The question of whether or not it is legitimate to interpret a scholar by relying on "hidden" or implicit assumptions is one that need not detain us here. It seems perfectly reasonable to assume that a writer may innocently fail to state all of his assumptions, as MacPherson says,⁶⁶ either because he believes they will be taken for granted by his readers or because he, himself, doesn't fully realize they are his assumptions. The pitfall of this kind of scholarship, however, is that one may inadvertently substitute one's own assumptions for those of the author and hence be severely mistaken about the author's true intent. This, I believe, is the case with MacPherson. His own judgments about the nature of the capitalist economy lead him to gross errors regarding Locke's view of the moral nature of society and man. The unfortunate result is that while his reading of Locke's theory of property is sound in many important particulars, his overall interpretation of Locke's theory of political society is mistaken.

Property and the Class Society

According to MacPherson, Locke's major achievement in his theory of property was "to base the property right on natural rights and natural law, and then to remove all the natural law limits from

the property right.”⁶⁷ He believes that Locke wanted to justify unlimited right to property in order to ground the primary feature of capitalist society, unequal ownership of property, in natural law. Further MacPherson sees Locke’s justification of unequal ownership leading to the reprehensible conclusion that only property owners were full members of society, while the propertyless had fewer rights and an inherent incapacity to make the judgments and acquire the information necessary to function fully in political society.⁶⁸ In other words, MacPherson’s Locke envisions a society divided into two classes with the capitalists on top and the downtrodden workers scraping along the bottom under the yoke of political and economic oppression. MacPherson buttresses his case by pointing out the flaws in the Locke-as-constitutionalist approach: this approach emphasizes the limits Locke places on government in the interests of property, yet it overlooks the very great power Locke gave to the political community (his civil society) over individuals, e.g. the aspect of Locke that gave Kendall cause for complaint. To MacPherson, both features of Locke’s work are consistent when it is realized that only property owners are full members of society and therefore have mutual interests which eliminate the need to specifically guarantee individual rights. All full members of society would thus agree on the content of individual rights, the foremost of which would be the right to property.⁶⁹

MacPherson’s careful reading of the origin of property in the *Second Treatise* is especially interesting, because he was the first to emphasize the great importance which the introduction of money makes to Locke’s account of property in the state of nature. Hence, he divides his analysis into two parts: the early stage of nature before the introduction of money, and the post-money stage.

The Pre-Money Stage and Property Accumulation

In the first stage before the introduction of money, he notes the potential limitations to the ownership of property remarked on earlier,⁷⁰ the spoilage limitation (“as much as anyone can make use of to any advantage of life before it spoils; so much he may by his labor fix a property in”), the sufficiency limitation (“For labour being the unquestionable property of the labourer, no man but he can have a right to what that is once joined to, at least where there is enough, and as good left in common for others.”), and he tentatively adds a third, the labor limitation (“Whatsoever he removes out of the state that nature hath provided, he hath mixed his labour with, and roined to it something that is his own, and thereby makes it his property”).⁷¹ He correctly points out that the spoilage limit was the most important (and confining) in Locke’s system. If all men obeyed this limit in the early stage of the state of nature, sufficiency was assured.

MacPherson also correctly discerns that the introduction of money transforms the character of the limits to property ownership. He sees money as "transcending" the limits of property by enabling men to accumulate as much as they want without fear of spoilage.⁷² Instead of viewing this as a benefit to men: however, MacPherson questions why anyone would want to accumulate more than he can make use of in the first place. Why do men want to store wealth when there is originally as much land as anyone could possibly want to work with? While anyone who considers the problems of poor harvests, the uncertain futures, and the pleasures of greater comfort, security, and convenience could readily supply an answer to this question, MacPherson claims Locke does not supply it. He specifically denies that Locke assumed men wanted more pleasure from the wealth they accumulate and instead argues that they want the wealth for its own sake. He claims that Locke was a mercantilist who believed the sole purpose of investment is to "beget further investment," and that the primary function of money is to serve as capital. The goal of accumulation, according to MacPherson, is wealth and power, and hence Locke "justified the specifically capitalist appropriation of land and money" as a natural right in the state of nature.⁷³

Although there are grains of truth in MacPherson's description of Locke's mercantilism, his reading is far too simplistic to do justice to Locke. It is true that Locke did not offer an explanation for why men wish to accumulate property in the *Second Treatise* most likely because he took it for granted that his readers would be able to supply the reason from their own experience. MacPherson builds his case on Locke's hidden assumptions, yet this most obvious one he overlooks. The desire for wealth is not unusual among men. It is certainly not generally conceived to be irrational. In Locke's economic writings, to which MacPherson selectively turns to support his argument, Locke clearly states that it is the plenty of the necessities and conveniences of life that constitute riches.⁷⁴ Wealth consists in the ability to enjoy an abundance and variety of goods. To claim that Locke believed in accumulation for its own sake is bad enough, but to further make him guilty of believing that money alone constituted wealth is to attribute to him an absurdity unfound in the history of economic thought. Locke did favor capital accumulation as a means of increasing wealth, and he did have a definite preference for an increasing money supply because he thought it would be an aid to capital accumulation and increased wealth, but he never confused one with another in any meaningful sense.⁷⁵ MacPherson, however, accuses Locke not only of believing in a totally nonsensical view of accumulation, he also claims that Locke believed this to be the only true form of rationality.⁷⁶

The Post-Money Stage and Property

MacPherson goes on to discuss the sufficiency limit and again points out that it is overcome by the introduction of money into the state of nature. The consent to use money implies men's consent to the consequences of a money economy: an unequal distribution of wealth and an end to economic sufficiency, or in our terminology, an end to resource abundance. In fact, we have already seen that population growth is as much responsible for the end of sufficiency in land as money, but certainly the introduction of money is a contributing factor. MacPherson correctly states that Locke does not find this situation troubling however, because of his belief that the other benefits of money economy more than compensate. Because of the increased economic activity made possible by the use of money, MacPherson agrees it will always be possible to find a way to make a living through commercial exchange even if all common land is appropriated, and hence Locke substitutes "sufficiency in making a living" for "sufficiency in land" as a requirement for legitimate property.⁷⁷ In fact, we can take this one step farther. Once money becomes a proxy for accumulated real wealth, as Locke understood, the total value of the stock of wealth that can be owned by members of a community is no longer limited by the amount of land to which it has access and hence everyone can be better off.

MacPherson complains, however, that even though Locke allows for the entire value of the wealth of the community to increase as a result of private ownership, there is no guarantee that this wealth will be equitably distributed. He shows that Locke makes the assumption that the standard of living of everyone will increase regardless of who owns the property ("a king of a large and fruitful territory there [in America] feeds, lodges and is clad worse than a day laborer in England"),⁷⁸ yet MacPherson still believes that Locke assumed landowners would gain at the expense of the landless masses who will be forced to alienate their labor in return for a subsistence income.

Evidence of the inferior status of the landless MacPherson finds in Locke's discussion of wage labor. MacPherson correctly points out that Locke took the existence of wage labor for granted even in the state of nature and hence never meant to describe strict labor limitation to property ownership. In the very beginning of the property chapter of the *Second Treatise* (Chapter V) when Locke is establishing the connection between labor and property rights he says, "Thus the grass my horse has bit; the turfs my servant has cut; and the ore I have digged in any place where I have a right to them in common with others, become my property."⁷⁹ While it might seem strange in a passage aimed at showing how labor creates the

title to property to argue that the product of a servant's labor should belong to the employer, Locke seems to have treated it as entirely natural and understandable. If each man has a property in his own person, he has the right to sell the use of that property if he so wishes. In fact, Locke specifically describes the nature of the wage relationship as contractual:

for a Free-man makes himself a servant to another, by selling him for a certain time, the service he undertakes to do, in exchange for wages he is to receive: and though this commonly puts him into the family of his Master, and under the ordinary discipline thereof; yet it gives the master but a temporary power over him, and no greater, than what is contained in the contract between 'em.⁸⁰

Obviously, a servant (or wage-earner) chooses to give up his right to the property he creates in return for a guaranteed wage. His labor subsequently is at his employer's direction and is a result of his employer's initiative, and the property which emerges from their productive efforts belong to the employer. Locke does not give a specific reason why a freeman would want to sell his labor to someone else when he could work for himself and acquire his own property. Presumably he believed a man would sell his labor only if it were to his advantage. Locke believed that not all men are equally capable, so he might have believed also that a less capable man would prefer working for another rather than taking the risk of having to live on what he could make for himself. MacPherson, as one might predict, sees the existence of wage labor in a much less benign light. He sees landless laborers forced to sell their labor to landed property owners, and concludes that "the continual alienation of labour for a bare subsistence wage, which he [Locke] asserts to be the necessary condition of wage-labourers throughout their lives, is in effect an alienation of life and liberty."⁸¹

Problems with MacPherson Class Rights Reading of Locke on Property

All the rhetoric in MacPherson's examination of Locke's theory of property aside, he shows a fine understanding of the mechanics of Locke's system. Although MacPherson is mistaken in his reading of Locke's view of the unlimited accumulation of property for its own sake, and the degree and source of inequity of property ownership in the state of nature, his basic analysis of the development of the property argument is correct. However, when MacPherson tries to show the implications of differential property ownership within civil society, he seriously distorts Locke's intentions. He tries to argue that beyond justifying unlimited accumulation of property, wage labor, and the implicit capitalist economy in the state of nature, Locke also "justifies, as natural, a class differential in rights

and in rationality, and by doing so provides a positive moral basis for capitalist society, implying thereby that capitalism requires differential rights."⁸² It is in this part of his exposition that his negative assessment of capitalism most interferes with his understanding of Locke's intentions.

MacPherson claims that Locke assumed first "that while the labouring class is a necessary part of the nation its members are not in fact full members of the body politic and have no claim to be so; and secondly, that the members of the labouring class do not and cannot live a fully rational life."⁸³ He includes both laboring poor and idle poor in his "labouring class." His argument is essentially that the poor (which includes "all who were dependent on employment or charity or the workhouse because they had no property of their own by which or on which to work")⁸⁴ because of the very poverty of their condition cannot lead a fully rational life in Locke's eyes. He substantiates his claim by pointing to the several passages in Locke's economic writing where Locke describes laborers as living from hand to mouth or at subsistence. Like Adam Smith later on, Locke also alludes to the mind dulling effects of most routine labor. MacPherson further argues that when rationality implies property accumulation, those without property cannot be fully rational.⁸⁵

Locke's View of the Laboring Class

There are several grave errors in MacPherson's interpretation. First of all, Locke did not equate the laboring poor with the idle poor in his assessment of their moral status. He spared little sympathy for the idle poor who he believed were responsible for their own poverty. In fact, he recommended severe treatment of beggars by twentieth century standard, advocating forcing them into workhouses to teach them to earn their own living and to keep them from the public charge.⁸⁶ For the working poor, however, Locke had great respect, and he believed it was the government's responsibility to create a climate wherein workers had every opportunity to improve their income. The context of his statement about workers living from hand to mouth suggests that they were unable to save anything from their income, not that they were in dire economic straits.⁸⁷ MacPherson, however, quotes a particularly damning passage from Locke's economic writings, which seems to support his contention that Locke wanted to keep the workers down:

the labourer's share [of national income], being seldom more than a bare subsistence, never allows that body of men, time, or opportunity to raise their thoughts above that, or struggle with the richer for theirs, (as one common interest) unless when some common and great distress, uniting them in one universal ferment, makes them forget respect, and emboldens them to carve to their wants with armed

force: and then sometimes they break in upon the rich, and sweep all like a deluge. But this rarely happens but in the male-administration of neglected, or mismanaged government.⁸⁸

The import of Locke's statement here, however, isn't to argue that governments should see to it that workers remain poor; it is to argue that only mismanaged governments disrupt the economy to the extent that workers are so badly off that they take to the streets in armed insurrection.

Locke Opposed to Rigid Class Standards

It is true that Locke believed workers would generally live at subsistence, that they would be poorer than merchants, farmers and landowners. It may even be true that he thought the laboring poor to be on the whole less intelligent and less industrious than those who are well off, although there is no direct evidence for this. It is not true, however, that Locke believed they were inherently less rational and had fewer political rights than property owners. For one thing, Locke realized that in a money using (MacPherson's capitalist) society, anyone could be a property owner. Everyone *was* a property owner by virtue of his self-ownership and this property in self could be extended to property in things and in money. Locke's real achievement was to extend the definition of property to include all forms of wealth, and hence to extend the possibility of property ownership beyond that of land. The capitalist economy that MacPherson is so bent on denigrating, enables men not only to make a living by "alienating" their labor, but also enables them to accumulate wealth if they are "industrious and rational" enough. Fortunes can be made and lost, and wealth transferred from the less able and lucky to the more able and lucky regardless of "class" background.

The assumption of rigid class boundaries is a major deficiency in MacPherson's reading of Locke. It is true that Locke never specifically described the upward mobile process, yet his economics is full of examples of changing fortunes. Merchants especially become wealthy because they are adventurous and able, and there is no presumption that they all come from some predetermined merchant class. Simple day laborers may be poorer than other groups in society, but they are better off than they would be without a "capitalist" economy, and they have the possibility through diligence, to pull away from the pack and make their way in the world, an alternative they would not have under a more feudalistic social structure.

MacPherson, however, denies that this could ever happen. He argues that Locke was inconsistent in his view of human rationality. On the one hand Locke assumed that men are equally rational and capable of looking after themselves. Here, he claims,

Locke conceived of man in the image of the "rational bourgeois." However, MacPherson also argues, that as an elitist, "The seventeenth-century bourgeois observer could scarcely fail to see a deep-rooted difference between the rationality of the poor and that of the men of some property. The difference was in fact a difference in their ability or willingness to order their own lives according to the bourgeois moral code. But to the bourgeois observer this appeared to be a difference in men's ability to order their lives by moral rules as such."⁸⁹ Hence Locke was forced to conclude that even in the state of nature, some men were moral and rational and created property, and others were immoral and irrational and made the enjoyment of property "unsafe and insecure." Hence, according to MacPherson, differences in property, not only reflected differences in ability, but also differences in morality and in rationality. Once the ownership of property divided men into two classes, the differential rationality became inherent in the class. Thus within civil society, the less rational were to be tolerated, and well-treated, but were not to have full rights within a civil government aimed at protecting property.⁹⁰

Locke's Expansive and Classless View of Property

This analysis fails as a reading of Locke primarily because it takes a very narrow view of the meaning of property as every other Locke scholar has commented. To Locke, property was not simply land. Although Locke specifically reiterates in several places within the *Second Treatise* that the cause for entry into civil society was the protection of property, by which he meant life, liberty, and estate, MacPherson consistently interprets him to mean solely estate, and landed estate at that. But even if Locke meant only estate by the term property, to him estate included the property one had in one's own person. This was in jeopardy for everyone in the state of nature, rich or poor. Furthermore, property ownership was not conceived of as limited to a few wealthy individuals on great tracts of land, as MacPherson seems to envision. He seems to suffer from some feudalistic preoccupation with great manors. In seventeenth century England, property, even landed property ownership was fairly widespread,⁹¹ and when one considers the forms of property not tied to land (e.g. the commercial property belonging to the important merchant class) clearly Locke was not describing the principles of government which protect the few at the expense of the many. Rather Locke was concerned with the protection of the many from the excesses of the few who happened to wield political power. In his zeal to portray Locke as the wicked defender of an even more wicked capitalism. MacPherson misses the real thrust of Locke's argument which is to protect people, all whom are property owners in one sense or the other, from the wicked use of political power.

Seliger's Locke and the Welfare State

The approach of Strauss, Cox, and MacPherson in interpreting Locke has been attacked from many quarters. Peter Laslett calls MacPherson's reading "thoroughly unrealistic and occasionally unhistoric."⁹² Alan Ryan provides a devastating critique of MacPherson by stressing the shared interests of the laborers and capitalists in political society in Locke's thought. He points convincingly to the absolute, arbitrary power of monarchs as Locke's real target and observes that all men have property that is subject to government encroachment. John Dunn argues that MacPherson's reading misses the traditional Christian elements in Locke's thought, specifically the importance of charity and duty, and presents as evidence Locke's notes on the just price to support his contention that Locke was concerned with economic justice in the Scholastic tradition. However, by far the most complete and convincing refutation of the whole Strauss-Cox-MacPherson reading of Locke as Hobbesian and Marx-style capitalist is presented by Martin Seliger in the context of his investigation of *The Liberal Politics of John Locke* (1969).

Seliger's detailed reading of Locke is probably the most comprehensive treatment of Locke's political theory in the literature today. His volume is both an exegesis of Locke's writings and an attempt to investigate the nature of modern liberal political thought. Here, we will be most concerned with his reading of Locke's theory of property which he, too sees to be the linchpin of Locke's political thought.

Political Equality vs. Inequality of Property: the Need for Political Regulation of Property

Seliger begins by observing that most of the "confusions" found in Locke's theory of property stem from misinterpreting Locke's attitude toward equality. While it is clear that Locke posited *political* equality, in the state of nature, he never assumed there would be equality of possessions.⁹³ Hence, he had no need to "transcend" the law of nature to justify unequal wealth as MacPherson would have it. Locke presumed that differing natural capacities would lead to different amounts of property, and the use of money would simply enable men to *enlarge* their possessions, not to create inequality per se. Seliger is unique among Locke scholars in that he sees no problem with Locke's assumption that men would want to enlarge their possessions. Refreshingly, he understands the desire to accumulate property evidences good sense.⁹⁴ He also challenges MacPherson on the supposed inferiority of wage-labor in Locke. He, too, points out the contractual nature of the wage relationship and

makes the important observation that in order for a person to hire labor, the employer must be able to exchange the fruits of his own labor acquired at some time past.⁹⁵ He further stresses, as we have noted, the Lockean assumption that there will be social and economic mobility.⁹⁶ Seliger's critique of MacPherson is devastating, yet Seliger's own interpretation of Locke's political philosophy is open to some criticism.

Seliger affirms that both the economic and political spheres depend upon consent and agreements among adults. However, he further argues that of the two spheres of agreement, the political sets limits for the economic and so is above the economic in importance. While Locke seems to emphasize the right to property above all other rights, his emphasis was symbolic. Just as his use of the broad definition of property is symbolic of the rights to life, liberty, and estate. Rather than having any special status, then, the enjoyment of property is subjected to political decisions just as any right is regulated by the political process.⁹⁷

Seliger supports his contention by showing that Locke always describes freedom as bounded by law, either natural law in the state of nature, or conventional law within civil society. Law is necessary to "maximize" freedom, that is, to protect individuals from the arbitrariness of their fellow man. Law, according to Seliger's Locke, is a formalization of the public will, which itself is a resolution of the conflict among private wills. Within the legal code, one major tenet is that "people should have property" and should not have it subjected to the will of the government. To Seliger, Locke's major concern was to protect property from arbitrary political ruling, not simply to protect property *per se*.⁹⁸ His reading exactly captures the essence of Locke's understanding of the relationship between freedom and law, and it brings Locke once again into the tradition of placing constitutional limits on the ability of governments to control the property of its citizens. Seliger goes on, however, to claim further that Locke describes a *moral* supremacy of the political sphere, and it is here that his interpretation is open to serious challenge.

Seliger's Argument for Regulating Immoderate Holdings of Property

Seliger supports his view by once again going back to property in the state of nature. Here, he claims, Locke believes that the economic contract, (the agreement to use money) allows men to satisfy irrational desires and distorts intrinsic value of things while the political contract serves to overcome and regulate the anti-social results of these basically irrational pursuits.⁹⁹ He further contends that equality is a virtue and since there is a natural political

equality postulated in Locke's writings but not a natural economic equality, he must have believed the economic sphere to be inferior to the political.

At first glance, Seliger's statements seem to make sense. Locke does use the language of irrational desires and distortion of intrinsic values. He describes an early stage of human existence "before the desire of having more than men needed, had altered the intrinsic value of things, which depends only on their usefulness to the life of man,"¹⁰⁰ and later he argues that "The greatest part of things really useful to the life of man . . . are generally things of short duration. . . . Gold, silver and diamonds are things that fancy or agreement hath put the value on, more than real use, and the necessary support of life."¹⁰¹ In interpreting these passages, however, we can use a small dose of Strauss-Coxian reasoning. The language of intrinsic value is not an integral part of his argument and perhaps can be read as a sop to tradition. Even if we accept the premise that Locke really believed in some philosophical hierarchy of values, however, this does not necessarily imply that he disapproved of the changes in values brought about by money, or that the changes were irrational. In fact, all the evidence presented so far in this essay supports exactly the opposite view. Certainly, the concept of an intrinsic value of things that is morally superior to market values plays no role in his economic thought.¹⁰² In Locke's economic writings, market price is specifically portrayed as reflecting the value of goods, and he sneers a bit at those who would try to connect prices with some preconceived view of intrinsic value.

Seliger's Argument for the Superiority of the Political over the Economic

Seliger's second argument for the moral superiority of the political over the economic realm is even less convincing. He claims that equality is a virtue and since Locke posits a natural political equality and not a natural economic equality, Locke must have been showing the moral superiority of political life over economic.¹⁰³ This is a somewhat surprising argument because there is no presumption in the *Two Treatises* that equality is a deciding factor in evaluating the moral status of a social order. Even if that were the case, it is not self-evident that the actual political order is more conducive to equality than the economic order. The whole issue is muddled by the fact that Seliger gives no discussion of the nature of equality (but then, neither does Locke). There is evidence, however, that if the equality Seliger has in mind is some notion of equal treatment, Locke did see a rough and ready sort of equality in economic interactions. In his short piece on the just price (mentioned earlier in connection with Dunn's criticism of MacPherson)

Locke states that the market price is the just price, and that the economic activities of entrepreneurs in the marketplace will lead to a pretty "fair and equal account." Locke, with a minimum of stretching of context can be interpreted to have presumed some kind of equality of opportunity existing in the marketplace.¹⁰⁴

*Seliger's Argument that Locke Favored State
Regulation of Economic Activity*

Seliger goes on to argue, however, that the supposed moral superiority of the political order over the economic order is further evidenced by Locke's attitude toward economic regulation. This is a particularly important problem since Locke explicitly stated that labor gives title to property in the state of nature, but "in governments the laws regulate the right of property."¹⁰⁵ Obviously, Locke means by this that ownership rights are subject to the protection of the laws of civil society, but Seliger also takes Locke to mean by the regulation of property, regulation of economic activity per se. Since Locke did not mention any instances of economic regulation in the *Two Treatises*, Seliger turns to the economic writings for specific instances of Locke's attitude toward state regulation of economic activity, but reads far more into Locke's statements about regulation than can be supported by the texts.

Seliger asserts that Locke did not in his economic writings oppose all forms of economic regulation, only ill-advised ones.¹⁰⁶ While this may be true in principle, in practice, it is difficult to find any regulation he did not describe as ill-advised. His opposition to interest rate regulation is well-known as is his conviction of the futility of price regulation in general.¹⁰⁷ Yet Seliger claims that Locke favored "not only legislation that removes encumbrances to all private initiative but . . . also [favored] limiting some for the benefit of others."¹⁰⁸ His only example of a direct control favored by Locke is the statement that it may be necessary to set legal rates of interest when "a kind of monopoly, by consent, has put this general commodity [money] into a few hands."¹⁰⁹ Here, Locke was conjecturing that previous legal interest rates had been set below market and had fostered a monopoly of loanable funds among London bankers which he then thought might justify setting a legal rate of interest below the monopoly rate. This is clearly not a laissez-faire policy prescription, yet neither is it an argument for "credit regulation" as Seliger suggests, nor is it typical of an attitude that favors limiting private initiative to "discourage the concentration of capital."¹¹⁰ The message of this particular example seems to be that previous attempts to "limit private initiative" led to a perverse result and that England would have been better off had interest rates never been set below market rates in the first place. It certainly is stretch-

ing the passage beyond the breaking point to argue that it shows Locke's concern for preventing too great a concentration of capital for the sake of the public interest.

Locke Subordinates Government to Human Rights

Seliger's attempt to show the moral supremacy of the political over the economic sphere misses the point of Locke's writing. Locke's *Treatises*, like his economics contain both normative and descriptive passages. Much of Chapter V of the *Second Treatise*, the property chapter, is descriptive. It describes how autonomous individuals with the desire for ease, comfort, and enjoyment operate within the constraints set by nature to overcome the limitations of the economic environment. In Locke's thought, government is the logical arbiter of conflict exacerbated by economic growth. Government is not superior to the economic institutions evolved by reasonable men, government is a means to accomplish a desired end.

In his attempt to counter MacPherson's characterization of Locke as a partisan of an evil, unlimited, oppressive capitalism, Seliger has taken the tack of showing how Locke really believed in a limited, restrained form of welfare statism. Seliger's Locke endorses government which controls the alleged excesses of capitalism and metes out a measure of charity to those in distress.¹¹¹ He sees the importance of the original contract to involve the limitations on the arbitrary exercise of government power, but he does not stress, as Locke did, the limitations on the moral authority of government over at least one large area of social life: property creation and enjoyment. Seliger's Locke would be quite comfortable with modern western-style democratic governments where government undertook all manner of economic regulation and property transfers so long as it could be shown to represent the "manifest advantage of the public".¹¹² Seliger takes for granted that the advantage of the public will necessitate such measures.

Perhaps this is one more instance of a modern commentator anachronistically reading contemporary ideas back into the writings of an early political thinker, or perhaps Seliger is correct that the nature of contemporary liberalism was shaped by the implications of Locke's theory of property. Whichever alternative is the case, it is clear that Locke himself would have been horrified by the excesses of the modern welfare state on grounds both of efficiency and equity.

Locke the economist would have recognized the absurdity of much of the bureaucratic maze that controls current economic life, and would have railed against the foolish and inefficient forms of economic regulation to which the individuals within the modern welfare state are subject. Leo Strauss was essentially correct in his

claim that Locke believed effective government would have to take account of the passions (or interests) of individual citizens in framing legislation. Locke's own economic pamphlets drive home the point again and again that regulation which fails to take incentives into account is worse than useless. Current legislation that erects disincentives to economic growth would probably have set him to writing tract after tract with titles like "Some Considerations of the Disastrous Consequences of Setting Up a Department of Energy and Lowering the Supply of Petroleum Products." Locke made extensive use of efficiency arguments in his economic and political writings because he valued wealth and economic growth as important human goals.

Locke would also very likely have been horrified by the fiscal structure of modern governments and here, his objection would be primarily on the grounds of equity. While he believed that governments had the right and duty to regulate property for the good of the whole of society, his basic premise was that "people should have property."¹¹³ Citizens owned their property apart from the laws of the state; they voluntarily agreed to tax themselves through their elected representatives; and however one chooses to evaluate the true "voluntary" nature of such taxation, the principle Locke was establishing was that property owed its origin to individual right and initiative and not to the sufferance of the King or political concession. The King had no right to arbitrarily confiscate or reallocate property among citizens unless there was an overriding public interest. It is no doubt true that the "overriding public interest" without clear agreement on what constitutes such an interest provides the loophole for the modern welfare state. Locke himself presumed such an interest would be obvious, and limited to alleviating starvation and defense against the princes of other countries with whom Britain existed in a state of nature, or at worst, a state of war. C. B. MacPherson was essentially correct in arguing that Locke believed most people would agree on the proper limitations on government control over property, but not because he excluded all the poor and laboring classes from his definitions of "the people." Rather, Locke believed that most people would be property owners and would perceive that their wealth, lives and freedom would depend on limiting the prerogative of the King.

Much has been made of a passage in the *Second Treatise* in which Locke refers to "amor sceleratus habendi, evil concupiscence" as a cause of corruption in societies.¹¹⁴ It is generally taken to refer to the lustful greed of selfish men and used to argue Locke's aversion to acquisitive behavior. Seliger considers this one more evidence of the irrational nature of economic wants. However, when the reference is taken in context, it clearly refers to the greed not of productive property owners, but to the greed of princes who lust after the

wealth of their subjects and who need to be restrained by the wary public.

Locke could not imagine men living long in a state of nature because he couldn't imagine those ends being satisfied in a civilized manner without a government to referee disputes and to provide a legal setting. However, it is incumbent upon government to abstain from subverting the economic ends of its citizens by overstepping its mandate. In this important sense, government is subservient not to the economy per se, but to the wills of the people who above all desire to protect their lives, liberties and estate. This is the overriding message of the *Two Treatises of Government* and the relationship between government and the citizen's property rights. □

FOOTNOTES

Full citations for works listed in the Footnotes may be found in the following Bibliography.

1. Peter Laslett, ed. *Two Treatises of Government* (Cambridge: Cambridge University Press, 1960). All references to Locke's *Second Treatise* are to Laslett's edition.
2. Laslett argues convincingly that Locke wrote the *Two Treatises* to provide intellectual support for Shaftesbury's revolutionary plotting during 1679–1681. Richard Ashcraft in a recent paper puts the date a bit later (1681–1683) which serves to intensify its revolutionary intent.
3. Laslett's Introduction to the *Two Treatises*, p. 3.
4. See Richard Schlatter, *Private Property: The History of an Idea* (London, 1951); Pascal Larkin, *Property in the 18th Century with Special Reference to England and John Locke* (Cork: Cork University Press, 1930); Sterling Lamprecht, *Moral and Political Philosophy of John Locke* (New York: Columbia University Press, 1918); and J. W. Gough, *Locke's Political Philosophy* (Oxford: Clarendon Press, 1950).
5. The state of nature construct was used by Thomas Hobbes, Hugo Grotius, and Samuel Pufendorf.
6. *Second Treatise*, p. 288.
7. *Second Treatise*, p. 289.
8. Grotius and Pufendorf, both of whom were familiar to Locke, argued that men received the right to property from the consent of the original communal owners in the state of nature. Locke on the other hand denies that this is true ownership simply by virtue of God's original gift. The major thrust of his argument however was not directed primarily against Grotius and Pufendorf, but against Robert Filmer who had argued in the *Patriarcha* that God gave the world absolutely to Adam from whom contemporary monarchs were directly descended and who therefore had the right to parcel out land as they saw fit by right of donation from Adam. See Locke's *Second Treatise*, p. 304.
9. This was especially apparent in Grotius for whom every individual was surrounding by the *Sum*, that which belongs to a person, or was "proper" to it. Included in the *Sum* were one's "life, limb and liberty . . . reputation and honor . . . [and] one's own actions." See Karl Olivecrona, "Appropriation in the State of Nature," p. 213.
10. *Second Treatise*, pp. 305–306.
11. *Second Treatise*, pp. 306–307.
12. Israel Kirzner has noted the entrepreneurial nature of the labor which creates property, as has Karen I. Vaughn. *John Locke, Economist and Social Scientist*. Chicago: University of Chicago Press, 1980.
13. *Second Treatise*, p. 308.
14. *Second Treatise*, p. 314.
15. *Second Treatise*, p. 314.
16. *Second Treatise*, p. 314.
17. *Second Treatise*, p. 315.
18. Many political theorists have assumed Locke was espousing a labor theory of value in an economic sense in the *Second Treatise* although there is no support for such a belief. See Karen I. Vaughn's article, (Winter, 1979).
19. *Second Treatise*, p. 306.
20. *Second Treatise*, p. 308.
21. *Second Treatise*, pp. 317–318.
22. *Second Treatise*, pp. 318–319.
23. This description of the development of a money commodity appeared in Hobbes' *Leviathan* (1651) and shows up again much later in Menger's *Principles of Economics* (The Free Press, Glencoe, Illinois, 1950), p. 279.

24. *Second Treatise*, p. 309.
25. *Second Treatise*, p. 377.
26. *Second Treatise*, p. 368.
27. *Second Treatise*, p. 368.
28. *Second Treatise*, pp. 371, 373, 430.
29. *Second Treatise*, pp. 430-431.
30. See Willmoore Kendall, *John Locke and the Doctrine of Majority Rule* (Urbana: University of Illinois Press, 1918), p. 62.
31. Kendall, *John Locke*, p. 69.
32. Kendall, *John Locke*, p. 69.
33. Kendall, *John Locke*, p. 71.
34. Kendall, *John Locke*, p. 71.
35. *Second Treatise*, p. 289.
36. Kendall, *John Locke*, p. 71.
37. Kendall, *John Locke*, p. 71.
38. *Second Treatise*, p. 314.
39. *Second Treatise*, p. 316.
40. *Second Treatise*, p. 314.
41. *Second Treatise*, p. 312.
42. *Second Treatise*, p. 320.
43. Consider, for example, Locke's *Second Treatise*, pp. 349-50. "For when any number of men have, by the consent of every individual, made a *community*, they have thereby made that *community* one Body, with a power to act as one body, which is only by the will and determination of the *majority*. For that which acts any community, being only the consent of the individuals of it, and it being necessary to that which is one body to move one way; it is necessary the body should move that way whither the greater force carries it, which is the *consent of the majority*." Locke's discussions of majority rule probably referred not only to the entire body politic, but also to the principle that in any legislative dispute, the majority of "Kings, Lords and Commons." The three ruling bodies should be decisive. See Lois G. Schworer's article, 1980.
44. See Leo Strauss, *Natural Right and History* (Chicago: University of Chicago Press, 1953), p. 246.
45. Strauss, *Natural Right and History*, p. 248.
46. Strauss, *Natural Right and History*, p. 249.
47. Strauss, *Natural Right and History*, p. 249.
48. Strauss, *Natural Right and History*, p. 247.
49. Strauss, *Natural Right and History*, p. 247.
50. Strauss, *Natural Right and History*, p. 240.
51. Sidney was convicted of treason for writing against Filmer's *Patriarcha*. Sidney used many of the same arguments Locke had used in the *Second Treatise*. See Peter Laslett, pp. 32, 64.
52. This was Peter Laslett's major contribution in his introduction to the *Two Treatises*.
53. This is Richard Ashcraft's dating in a recent paper "Radicalism and Lockean Political Theory."
54. In fact, I agree with Richard Cox that Locke had absorbed and made use of Hobbesian ideas, but he cannot be viewed as simply an extension of Hobbes, nor does the history of Locke's concealment of his authorship support the contention that he did so solely to avoid being called a Hobbiist.
55. *Second Treatise*, p. 368.
56. *Second Treatise*, pp. 336-337.
57. Richard Cox, *Locke on War and Peace*, pp. 104-105.
58. Cox, *Locke on War and Peace*, pp. 89-94.
59. *Second Treatise*, p. 319 "[Before the invention of money], what reason could anyone have there to enlarge his possessions beyond the use of his family and a plentiful supply to his consumption, either in what their own Industry produced, or they could barter for like perishable, useful commodities, with others?"
60. *Second Treatise*, p. 309.
61. *Second Treatise*, p. 312.
62. See C. B. MacPherson, *The Political Theory of Possessive Individualism: Hobbes to Locke* (Oxford: Clarendon Press, 1962), p. 3.
63. See Alan Ryan's article, "Locke and the Dictatorship of the Bourgeoisie" (1965).
64. See, for example, Jacob Viner, "Possessive Individualism as Original Sin" (1963); Peter Laslett, "Market Society and Political Theory of John Locke" (1967); Alan Ryan, "Locke and the Dictatorship of the Bourgeoisie" (1965); Paul Marshall, "John Locke: Between God and Mammon" (1979); and Martin Seliger, *The Liberal Politics of John Locke* (1969).
65. MacPherson, *Political Theory*, p. 3.
66. MacPherson, *Political Theory*, p. 5.
67. MacPherson, *Political Theory*, p. 199.
68. MacPherson, *Political Theory*, p. 200.
69. MacPherson, *Political Theory*, p. 195.
70. MacPherson, *Political Theory*, p. 252.
71. MacPherson, *Political Theory*, p. 201.
72. MacPherson, *Political Theory*, p. 204.
73. MacPherson, *Political Theory*, p. 205-207.
74. On Locke's economic writings, see Vaughn's *John Locke*, Chapters II and III.
75. MacPherson makes the mystifying statement that Locke "identifies money and capital, and assimilates both to land," without any clarification about what this means either economically or politically.
76. MacPherson, *Political Theory*, p. 209-210.
77. MacPherson, *Political Theory*, p. 211.
78. MacPherson, *Political Theory*, p. 315.
79. *Second Treatise*, p. 307.

80. *Second Treatise*, p. 340.
81. MacPherson, *Political Theory*, p. 220.
82. MacPherson, *Political Theory*, p. 221. Although MacPherson never specifically explains why he believes capitalism requires differential rights, he probably has some vague idea that because incomes are unequal in capitalist societies this must be justified by differences in rights rather than in capacities.
83. MacPherson, *Political Theory*, p. 221-222.
84. MacPherson, *Political Theory*, p. 222.
85. MacPherson, *Political Theory*, p. 222.
86. See Fox-Bourne's biography for Locke's poor law reform.
87. Locke's *Some Considerations*, p. 34. For more on Locke's attitude toward the poor see the article by Vaughn (1979). Locke's *Some Considerations* appears in his *Several Papers Relating to Money, Interest and Trade, Etc.*
88. Locke, *Some Considerations*, p. 115.
89. MacPherson, *Political Theory*, pp. 245-246. MacPherson here seems to view all possible moral codes as equally valid: both the "bourgeoisie" code that preaches work hard, accumulate, and be well off, and one that says don't bother working very hard but depend on the efforts of others to sustain you. He also seems to be suggesting that there really were significant differences in rationality between rich and poor as well as differences in values.
90. MacPherson, *Political Theory*, pp. 446-447.
91. Laslett, *The World We Have Lost* (1965).
92. Laslett's, Introduction, p. 105.
93. Seliger, *The Liberal Politics of John Locke*, p. 144.
94. "Indeed, Locke's thoughts on this subject were those any sensible person would entertain." Seliger, *The Liberal Politics of John Locke*, p. 155.
95. Seliger, *The Liberal Politics of John Locke*, pp. 161-162.
96. Seliger, *The Liberal Politics of John Locke*, p. 164.
97. Seliger, *The Liberal Politics of John Locke*, pp. 165-167.
98. Seliger, *The Liberal Politics of John Locke*, pp. 167-170.
99. Seliger, *The Liberal Politics of John Locke*, pp. 171-172.
100. *Second Treatise*, p. 312.
101. *Second Treatise*, pp. 317-318.
102. On this, see Vaughn's *John Locke*.
103. Seliger, *The Liberal Politics of John Locke*, p. 172.
104. See John Dunn, *The Political Thought of John Locke* (Cambridge: Cambridge University Press, 1969), pp. 84-87; and Vaughn, *John Locke: Economist and Social Scientist*, pp. 123-131.
105. *Second Treatise*, p. 320.
106. Seliger, *The Liberal Politics of John Locke*, p. 173.
107. This is the major thrust of Locke's first economic essay, *Some Considerations*. For a more detailed discussion of regulation in Locke's thought see Vaughn, *John Locke: Economist and Social Scientist*, pp. 113ff.
108. Seliger, *The Liberal Politics of John Locke*, p. 173.
109. Locke, *Some Considerations*, p. 103.
110. Seliger, *The Liberal Politics of John Locke*, p. 174.
111. Seliger, *The Liberal Politics of John Locke*, p. 176.
112. Locke, *Some Considerations*, p. 13.
113. *Second Treatise*, p. 360.
114. After "(vain ambition, and amor sceleratus habendi, evil concupiscence, had corrupted mens' minds into a mistake of true power and honour) . . . Men found it necessary to examine more carefully the original and rights of government; and to find out ways to restrain the exorbitances, and prevent the abuses of that power which they having intrusted in another's hands only for their own good, they found was made use of to hurt them." *Second Treatise*, pp. 360-361. Laslett notes the correct interpretation of this passage.

BIBLIOGRAPHY

- Cox, Richard. *Locke on War and Peace*. Oxford, 1960.
- Cranston, Maurice. *Locke*. London: Longmans, Green and Company, 1961.
- _____. *John Locke: A Biography*. New York: Macmillan, 1957.
- Czajkowski, Casimir J. *The Theory of Private Property in John Locke's Political Philosophy*. Notre Dame, Indiana: Edwards Brothers, Inc., 1941.
- Dunn, John. *The Political Thoughts of John Locke*. Cambridge: Cambridge University Press, 1969.
- Fox-Bourne, H. R. *The Life of John Locke*. 2 vols. New York: Harper Brothers, 1876.
- Gough, J. W. *Locke's Political Philosophy*. Oxford: Clarendon Press, 1950.
- _____. *The Social Contract*. 2nd ed. rev. Oxford: Clarendon Press, 1957.
- Grotius, Hugo. *De Jure Belli Ac Pacis Libri Tres*. Edited by James Brown Scott. 2 vols. Oxford: Clarendon Press, 1925.
- Kelly, Partick Hyde (ed.). *Locke on Money*. Manuscript.
- Kendall, Willmoore. *John Locke and the Doctrine of Majority Rule*. Urbana: University of Illinois Press, 1941.

- Lamprecht, Sterling. *Moral and Political Philosophy of John Locke*. New York: Columbia University Press, 1918.
- Larkin, Pascal. *Property in the 18th Century with Special Reference to England and John Locke*. Cork: Cork University Press, 1930.
- Laslett, Peter, *The World We Have Lost*. New York: Charles Scribner's Sons, 1965.
- Laslett, Peter, and Harrison, John. "The Library of John Locke," *Oxford Bibliographical Society Publications*, N.S. XIII. Oxford: Oxford University Press, 1965.
- Locke, John. *Essays on the Law of Nature*. Edited by W. von Leyden. Oxford: Clarendon Press, 1954.
- . *Locke's Two Treatises of Civil Government*. Edited by Peter Laslett. 2nd ed. Cambridge: Cambridge University Press, 1960.
- . *Several Papers Relating to Money, Interest and Trade, Etc.* New York: Augustus M. Kelley, (1696), 1968.
- MacPherson, C. B. *The Political Theory of Possessive Individualism: Hobbes to Locke*. Oxford: Clarendon Press, 1962.
- Marx, Karl. *Theories of Surplus Value*. Translated by G. A. Bonner and Emile Burns. New York: International Publishers, 1952.
- Meek, Ronald L. *Studies in the Labour Theory of Value*. London: Lawrence and Wishart, 1956.
- Polin, Raymond. *La Politique Morale De John Locke*. Paris, 1960.
- Pufendorf, Samuel. *De Jure Naturae et Gentium*. Trans. C. H. and W. A. Oldfather, vol. 2. Oxford: Clarendon Press, 1934.
- Schlatter, Richard. *Private Property: The History of an Idea*. (London, 1951).
- Schochet, Gordon (ed.) *Life, Liberty and Property: Essays on Locke's Political Ideas*. (Wadsworth, 1971.)
- Seliger, Martin. *The Liberal Politics of John Locke*. New York: Frederick A. Praeger, 1969.
- Strauss, Leo. *Natural Right and History*. Chicago: University of Chicago Press, 1953.
- Tuck, Richard. *Natural Rights Theories: Their Origin and Development*. Cambridge: Cambridge University Press, 1979.
- Vaughn, Karen I. *John Locke: Economist and Social Scientist*. Chicago: University of Chicago Press, 1980.
- Yolton, John W. (ed.). *John Locke: Problems and Perspectives*. Cambridge: Cambridge University Press, 1969.

PERIODICALS

- Ashcraft, Richard. "Locke's State of Nature: Historical Fact or Moral Fiction." *American Political Science Review* 62(1968):898-915.
- . "Radicalism and Lockean Political Theory." Paper presented at a Symposium on *John Locke and the Political Thought of the 1680's*. March 21-23, 1980. Washington, D.C.
- Dunn, John. "Consent in the Political Theory of John Locke." *The Historical Journal* 10 (1967): 153-182.
- . "Justice and Locke's Political Theory." *Political Studies* 16(1968):68-87.
- Hundert, E. J. "Market Society and Meaning in Locke's Political Philosophy." *Journal of the History of Philosophy* 15(1977):33-44.
- Kendall, Willmoore. "John Locke Revisited." *The Intercollegiate Review* 2(January-February, 1966): 217-234.
- Kirzner, Israel. "Producer, Entrepreneur and the Right to Property." *Reason Papers*, No. 1(Fall 1974): 1-17.
- Laslett, Peter. "John Locke, The Great Recoinage, and the Origins of the Board of Trade: 1695-1698." *William and Mary Quarterly* 14(July, 1957):370-392.
- . "Market Society and Political Theory." (Review article of MacPherson) *The Historical Journal* 7, 1 (1964):150-182.
- Lemos, R. M. "Locke's Theory of Property." *Interpretations* 5(1975):226-244.
- Marshall, Paul. "John Locke: Between God and Mammon." *Canadian Journal of Political Science* 12:1 (March 1979):73-96.
- Olivecrona, Karl. "Appropriation in the State of Nature: Locke on the Origin of Property." *Journal of the History of Ideas* 35(1974):211-230.
- . "Locke's Theory of Appropriation." *The Philosophical Quarterly* 24(1974):220-234.
- Parsons, Jr., J. E. "Locke's Doctrine of Property." *Social Research* 36(Autumn, 1969):390-411.
- Riley, Patrick. "Locke on 'voluntary agreement' and political power." *Western Political Quarterly* 29 (1976):136-145.
- Ryan, Alan. "Locke and the Dictatorship of The Bourgeoisie." *Political Studies* (1965):219-230.
- Schworer, Lois G. "Locke and the Revolution Whigs." Paper presented at a symposium on *John Locke and The Political Thought of the 1680's*. March 21-23, 1980. Washington, D.C.
- Vaughn, Karen I. "John Locke and the Labor Theory of Value." *Journal of Libertarian Studies* 2, 4(Winter, 1979):311-326.
- Viner, Jacob. "Possessive Individualism as Original Sin." *Canadian Journal of Economics and Political Science* 29(1963):548-560.
- von Leyden, W. "John Locke and Natural Law." *Philosophy* 31(January, 1956):23-35.

I

Rights, Freedom, and Ethics

The next group of summaries returns to a familiar theme treated before in *Literature of Liberty*: the ethical implications and foundations of human rights and freedom. For example, the opening two summaries question how effectively Alan Gewirth's recent writings have justified freedom and the moral obligation to respect human rights. Other issues concern Thomistic and Hobbesian ethical analyses of morality, rights theory, human nature, utilitarianism, and personal responsibility. Each theme has obvious bearings on defense and the meaning of individual freedom and rights.

The Need vs. the Right to Freedom

Henry Veatch

Georgetown University

Review of Alan Gewirth, *Reason and Morality*. *Ethics* 89 (July 1979):401-414.

Has Alan Gewirth succeeded in justifying, on deontological grounds (that is, on the grounds of moral obligation), an absolute right to freedom and well-being? Professor Henry Veatch answers a 'reluctant' no, because Gewirth neglects natural-law ethics.

Veatch locates a basic *non sequitur* in Gewirth's move from the proposition that any agent, *qua* agent, *must* value freedom and well-being, to the conclusion that the agent has a *right* to value freedom and well-being. Presumably, Gewirth has no trouble establishing that any human agent must value freedom and well-being. In the very act of trying to renounce or surrender his freedom, for example, the agent would be doing so freely and purpo-

sively. But why should the move from 'must value' to 'right' be any less questionable than any immediate inference from 'is' to 'ought'? That is, how can something (such as pursuing freedom) be a right simply because it (freedom) must be desired, any more than can something (such as pursuing masochism) be desirable simply because it happens to be desired?

Now, if Gewirth were willing to say that things like freedom and well-being are right to desire because they *are* (ontologically) naturally good, rather than saying that these things are good and right to pursue because we *must* (deontologically) desire them, his justification problem might be solved. For then the independent value or desirability of freedom and well-

being (along with the promise that one is right to pursue what is independently valuable or desirable) would yield the conclusion that one is right to pursue freedom and well-being. But Gewirth seems to rule out this type of maneuver almost *a priori*.

This natural law approach assumes that agents can know what is objectively good or right, quite apart from how they behave or feel towards that which is good or right.

Gewirth, however, believes that he must ground his justification on the necessary presuppositions and facts of human behavior and feeling. Thus, Gewirth's rigorous and non-formal justification for *deontological* ethics may be limited by starting with the presuppositions of human action, rather than with the broader, *ontological* setting for that action.

Gewirth: Is Virtue Knowledge?

Stephen Cohen

University of New South Wales

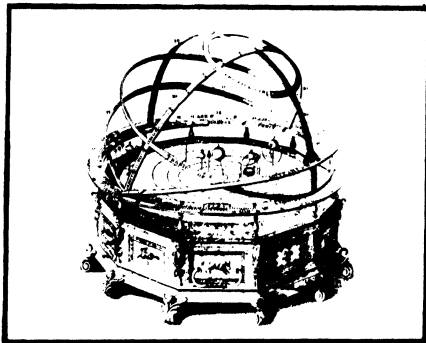
"Gewirth's Rationalism: Who is a Moral Agent?"

Ethics 89(January 1979):179-90.

Alan Gewirth has argued in a series of articles (and in *Reason and Morality*) that there is a supreme moral principle, the "principle of generic consistency", (PGC) which every rational agent must accept on pain of self-contradiction. The principle of generic consistency is: apply to the recipients of your action the same generic features of action that you apply to yourself. According to Gewirth, (1) generic features of action (the features all actions have in common) are voluntariness and purposiveness; (2) every agent, (that is, any creature who can unforcedly control his behavior with a view to achieving his purposes) necessarily and implicitly makes an evaluative judgment about the goodness of his purposes and hence of the necessary goodness of the necessary features of action, namely freedom and well-being; (3) every agent must implicitly claim he has a right to these features, i.e., freedom and well-being; and so (4) every agent must grant the same rights to every other agent.

Cohen is not concerned with the derivation of the PGC. What disturbs him is what Gewirth must say about behavior that is in violation of the PGC.

Gewirth believes that anyone who can voluntarily behave so as to achieve some ends reveals that he is thereby disposed to accept the canons of deductive and inductive logic. It is in this sense that Gewirth thinks any agent is at least minimally ra-



tional. Thus, if a person violates the PGC (says Cohen) there are only two responses open to Gewirth: (1) The behavior was not an instance of the disposition to behave in a minimally rational manner; (2) The behavior was an incorrect instance of this exercise of this disposition.

The first approach entails that anyone who violates the PGC is *not* a moral agent, and therefore cannot be morally condemned (though his action can be considered morally bad). Thus, anyone who engages in immoral behavior according to the criteria of the PGC can never be justifiably condemned.

The second approach entails that all moral errors are solely *intellectual errors*. If the person is an agent, i.e., is minimally rational in that he accepts the canons of deductive and inductive logic, then his anti-PGC activities can only be explained

by a failure to reason correctly. Gewirth responds to this by pointing out that there is a difference between moral errors and other errors, for the former have to do with the realm of action. Cohen counterargues that all Gewirth's response shows is that moral deductions differ from non-moral ones in terms of the *contents* of their deductions; it does not deny that the errors

are of the same sort, namely errors of reasoning. Cohen concludes by noting that if Gewirth's view is right, then our usual notions of immoral behavior and judgments must be radically revised. Such behavior or judgments must be due either to the fact that the person is not a moral agent or that he reasons incorrectly.

Aquinas: Natural Right or Natural Law?

E.A. Goerner

University of Notre Dame

"On Thomistic Natural Law: The Bad Man's View of Natural Right." *Political Theory* 7 (February 1979):101-22

Goerner criticizes the usual characterization of St. Thomas Aquinas as a natural-law thinker (that is, as a thinker who believes that whether an act is right or not depends upon whether it conforms to universally valid moral laws). For Aquinas, natural law is subordinate to natural right, that is, subordinate to the judgment that a virtuous man would make.

Aquinas's *Summa Theologiae* deals, in its First Part, with God and his creative work. The Second Part of the *Summa Theologiae*, dealing with principle of human action, contains Aquinas's "Treatise on the Law." Goerner argues that we must focus on this "Treatise" not by itself, but within the context of the *Summa Theologiae* as a whole. In Part One Aquinas says that God governs the universe by a providence that deals with individuals; in short, God does *not* govern the world by law. In Part Two, Aquinas points out that insofar as man acts in accordance with *virtue*, he realizes himself in the latent image of God. But since man is defective—either due to ignorance or sin—he cannot always act out of virtue. Therefore, Aquinas needs a way whereby God, who must achieve His purposes, can achieve His order. This way is by law, which is a *corrective* for the defect in man. This is why Aquinas says in Part Two that God governs the world as a *law-maker*. Whereas virtue is an internal principle governed by

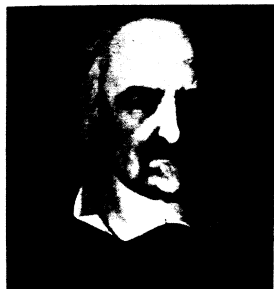
love of the good; law, whether human or divine, is an external principle governed by fear of punishment. Given man's weak nature, God must rely on the latter. Thus Aquinas's notion of virtue takes primacy in the sense that the perfect is theoretically prior to the imperfect.

Someone might argue, however, that although Aquinas thinks of virtue and law as different (with regard to the motive for following them) their content is the same. Goerner claims there is a difference here as well. Law, whether human or divine, or the natural law which is man's participation in divine law, is an *indirect* way of governing affairs, a way that applies to beings who have free choice and reason, and yet who will not always be virtuous. This being so, law can only converge towards the judgment of the virtuous sage. Natural law will thus consist of relatively crude rules which will explain the consequences of certain behavior so that wrong conduct can be eventually corrected. Aquinas illustrates this by referring to the German robbers who eventually came to see that robbery had to be prohibited if there was to be any sort of long-term productive society. Since natural law can even be appropriate for bad men, its content will have to be fairly general, rough and ready; it will not have the subtlety and discrimination necessary for handling difficult cases.

Hobbes and Conventional Morality

David Gauthier

University of Toronto



"Thomas Hobbes: Moral Theorist." *Journal of Philosophy* 76(October 1979):547-559

Gauthier claims Thomas Hobbes (1588-1679) was the greatest of English moral theorists. Hobbes ingeniously derived morality from three propositions, whose combination would seem to deny the possibility of morality. The propositions are: (1) value is a subjective, individual preference; (2) a rational individual tries to maximize value; (3) interests are "non-tuistic," i.e., interacting persons do not take an interest in one another's interests.

Hobbes's argument is that it is rational for men to seek peace in the state of nature. Man's natural condition is war, says Hobbes, because if each person tries to maximize his own notion of value, he will do whatever he can to preserve himself. This, of course, is rational given Hobbes's maximizing notion of rationality. He believes that every man has a right to whatever he wants in the state of nature. This right—which is more aptly called a liberty since there is no obligation corresponding to such a blank check on one's actions—leads to an unstable situation for all. Each person's prospect of preserving his life is sharply curtailed by this war of all against all. Accordingly, each person seeks peace for the sake of his self-preservation. Peace requires laying down one's unlimited right to everything and introducing a constraint not to injure others. This self-constraint means that one accepts an obligation, i.e., a limit on one's maximizing behavior: morality has now entered Hobbes's picture. This morality is *conventional*: the main reason Hobbesians would accept this constraint not to injure others is that they know most men will accept the constraint and expect others to accept it.

Hobbes responded to "the Foole" by arguing that people will expect others to cast out the covenant-breaker from society, and this belief makes adherence to the constraint more rational than breaking it. Gauthier points out that Hobbes's reply only weakens the idea of morality as a rational, conventional constraint. For if each person's good is maximized by following the covenant, and thus not injuring others, then morality is no longer a *conventional constraint*. Each person's rationality will lead him to follow morality *regardless* of whether others do. On the other hand, if the Foole is right, and each does worse to follow morality, then "does worse *by following* morality" is a conventional constraint, but it is no longer rational. In either case, Hobbes's notion of morality as a rational conventional constraint fails.

Yet there is a reply Hobbes *could* have offered. Once one has decided not to do whatever is necessary to preserve one's self, then one has also decided *not* to appeal to the standards of rationality that were present within the state of nature, i.e., subjective maximization. Since one has decided to seek peace, the standard of reason now becomes peace, not subjective maximization. Thus the Foole cannot appeal to "reason" in the state of nature to show the rationality of breaking covenants. Once one agrees to the covenant, the standard of rationality becomes peace. Thus reason itself becomes conventional. We only accept it and expect others to accept it. Hobbes is a dual conventionalist: conventional reason supersedes natural reason and thus justifies a conventional constraint which constrains self-maximizing behavior.

Gauthier concedes there are two problems with this framework: (1) though the move to morality is rationally justified, men may not be motivated to accept it, and may prefer to break covenants anyway; (2) the morality that is justified is *quite* minimal.

The Problems of Consequentialism

Germain Grisez

"Against Consequentialism." *American Journal of Jurisprudence* 23(1978):21-72.

Consequentialism (i.e., the view that the criterion of a moral act is its conduciveness to measurable results) has usually been attacked by intuitive appeals to strong counter-examples. But a deeper analysis is needed to attack the ultimate, consequentialist presuppositions. Grisez attempts to establish: (1) that as a theoretical position, the consequentialist attempt to employ "greater good" as the univocal criterion makes the expression literally meaningless, and (2) that as a method of moral reasoning, consequentialism reduces to a type of rationalization.

(1) After reviewing numerous arguments against the feasibility of commensurability (i.e., the view that goods can be measured or weighed by some common unit), Grisez argues that the very phenomena of moral choice and deliberation are incompatible with any *possible* commensurability for non-moral goods. Moral deliberation presupposes an unavoidable *incommensurability* amongst basic, non-moral goods (e.g. life, health), because without a basic *conflict* between or among desires/interests/values, there would be no (perceived) reason to even begin deliberating. Since pre-moral (or pre-chosen) goods must be in conflict for deliberation to begin, this implies that they cannot be reduced to a common denominator that would eliminate conflict

and the need to choose. Prior to actual moral choice, the consequentialist advice to choose the "greater good" is literally meaningless. This is so because those who are deliberating regard different values as genuine *alternatives* and do not already know in what alternative the "greater good" will lie.

(2) In addition to the problem of using "greater good" univocally in the face of genuine moral alternatives, Grisez maintains that the consequentialist-type of moral reasoning is basically a type of pseudo-reasoning. For the consequentialist takes his notion of the good or the desired as *given* and considers deliberation to be directed exclusively towards the choice of means. By separating the choice of means from the choice of ends, he reduces morality to a mere problem of finding the best strategy for supporting or attaining what he already happens to want or desire. But what is rationalization, if not the process of looking only for support for what one already desires, not asking "the questions which would be raised by someone who disapproved of the course of action to which one is tempted?" By starting with the question "What do I want?" rather than with the question "What shall I be?" consequentialism reduces the moral role of reason to that of a mere "slave of the passions."

Utilitarianism and Prescriptivism

H.J. McCloskey
La Trobe University

"Universalized Prescriptivism and Utilitarianism: Hare's Attempted Forced Marriage." *Journal of Value Inquiry* 13(1979):61-74.

Hare's "universalized prescriptivism" holds that duty is a function of what action an agent would assent to having performed, after giving the desires of all af-

fectected parties equal attention or "weight." This universalized prescription is questionable not only because it seems non-intuitive (or "anti-deontological"), but be-

cause it seems strangely anti-utilitarian as well.

First, by shifting attention to the satisfaction of *desires*, rather than *interests*, Hare seems to ignore the insight of earlier utilitarians (such as Bentham) that many of the desires of the "affected parties" can be non-utilitarian or even anti-utilitarian (for example: racist, ascetic, or even sadistic desires). He also ignores the fact that certain desires can be "rigged"—so that their diversity is either artificially diminished (via brainwashing) or artificially augmented (via unnecessary advertising).

Second, by shifting attention from actual consequences to the agent's intentions, Hare fails to show how or why the universalizing of "impartial" desires would necessarily have to involve universalizing the "maximal" satisfaction of de-

sires. Why couldn't a person impartially or universally prescribe a satisfaction of desires at some midpoint (or "golden mean") or even at a minimum satisfaction point? The only way Hare seems able to defend his notion of what "impartiality" must involve is to build more and more qualifications into his "ideal"—e.g. that the agent must be "omniscient" and have a "duty" to ignore his own moral reasons when giving prescriptions. But the more qualifications that are added, the more implausible it is that Hare is giving us a moral theory from a "value-free" analysis of what certain words must mean. Since there seem to be clear cases of people of moral excellence who do not seek to prescribe the maximum satisfaction of desires, Hare's ethical conclusions only follow from a dubious, redefinition of "impartiality."

Non-utilitarian, Anti-welfarist Morality

Amartya Sen

Nuffield College, Oxford University

"Utilitarianism and Welfarism" *The Journal of Philosophy* 76, no. 9 (September 1979): 463-484.

Do the non-utilitarian sources or components of a certain moral outcome (for example, that the outcome has to be caused by some injury done to an innocent person) affect the desirability or value of that outcome? For Sen, the goodness or desirability of outcomes can be considered *apart* from whether it is right to produce them because some outcomes might not even be produced by humans). But it can't be considered good apart from the *non-utilitarian* values that are involved in that outcome (like the dis-value of any pleasure derived from torturing innocents).

Sen divides his criticism of "outcome utilitarianism" (the view that the value of an outcome is a function of the sum of individual *utilities* in that outcome) into its two component parts: (a) "sum-ranking"—i.e., the view that the addition of individual utilities is an appropriate method of aggregation, and (b) "welfarism"—i.e. the view that value is a strict and positive function of the utilities

comprising an outcome. He criticizes "sum-ranking" or full commensurability for utility on the grounds that it fails to give due importance to the distribution of intrapersonal value over time. The tragedy of King Lear's fate, for example, cannot be considered "offset" by the fact that he was unusually fortunate in the earlier parts of his long life.

"Welfarism" is then criticized because even when we compare equally distributed outcomes over time, we cannot abstract from the non-utilitarian components of those outcomes. An outcome that involves torture is not the moral equivalent of an equally distributed outcome that does not involve any such torture. Nor is this merely a morally objectionable implication of utilitarianism at the "level-one" or "intuitive" level of thinking, as R.M. Hare might argue, since a person could be a non-utilitarian, "anti-welfarist" at the level of *critical* thinking. A libertarian on the critical level, for example, who recog-

nized dis-analogies between the sphere of peoples' personal values (e.g. reading pornography) and the sphere of impersonal, public values, could consistently hold that

the *same weight* should not be given to his own, prudish displeasure at someone else's reading of pornography, and that other person's delight in doing so.

Do Humans have 'Equal' Rights?

Stephen B. Cord

Indiana University of Pennsylvania

"Equal Rights: A Provable Moral Standard." *American Journal of Economics and Sociology* 38(January 1979):73-81

Cord tries to justify the view that all persons have equal rights to life, liberty, and property. The derivation proceeds as follows:

(1) We should be both consistent and accurate. Cord argues that we must have meaning if we are to think. If seeking meaning is an inescapable human activity, then of course, we have to be consistent and accurate.

(2) We should treat things as they are. This follows because to be consistent and accurate is to treat things as they are.

(3) We have the right to be free to treat things as they are. If we *should* do something, says Cord, we have the *right* to do it. Indeed, if doing something is a duty, how could it not be right?

(4) We have the right to be free to treat people as they are. This follows from substituting "people" for "things" in (3).

(5) Our right to be free is limited by the equal rights of others. This presumably follows from consistency.

(6) Each person has a right to life, limited only by the equal rights of others. This follows from the right to be free. If you didn't have the right to life, the right to liberty would be nothing.

(7) Each person has the right to property, limited only by the equal rights of others. Cord bases this point on the right to be free (freedom includes free exchange of goods and services) and partly on the labor theory of entitlement. Because of this labor theory Cord endorses Henry George's view of property rights in land.

(8) Democracy is the best form of government. By democracy Cord seems to mean that the majority determines how our equal rights are to be protected.

Self-Knowledge and Knowing Others

Ronald L. Hall

Francis Marion College

"Wittgenstein and Polanyi: The Problem of Privileged Self-Knowledge." *Philosophy Today* 23(Fall 1979):267-278.

Hall supports the view, previously advanced by C.B. Daly, that there is a "striking affinity" between the views held by Ludwig Wittgenstein and Michael Polanyi.

First of all, both thinkers reject the basic Cartesian framework which gave rise to the introspectionist/extrospectionist and mentalist versus behaviorist dualisms. Both Wittgenstein and Polanyi saw this

Cartesian dualism as an artificial, unjustified wedge between knowing oneself and knowing whatever isn't oneself, and between one's mental and one's physical existence (indeed, *the* mental and *the* physical ontological realms).

Secondly, Hall maintains that Wittgenstein did not complete the job of overthrowing Cartesianism because he "offers no positive third ontological and epistemological alternative in terms of which the problem of privileged self-knowledge can be solved." The problem seems real enough, since on a common-sense level there does appear to be a difference between knowing oneself and knowing whatever is not oneself. Knowing oneself seems more immediately accessible, even somewhat more certain, than knowing what is not oneself could be. Yet when closely considered, this apparently feasible distinction simply fails to hold up (as Wittgenstein's private language argument shows: purely private awareness leaves no room for ever being wrong, yet one is often wrong, even about oneself). Hall argues that Polanyi's effort to broaden the use of "know" so as "to include not only 'knowing that,' but 'knowing how' as well" successfully rejects the introspective/extrospective dichotomy.

And Polanyi's point avoids the mistaken conception of knowledge as a passive experience, substituting for it the idea that in knowing something one engages in "integration," which is "something we achieve." These subsidiary ingredients of knowledge, the background of what Polanyi characterizes as "tacit" knowledge, are indispensable requirements for "the focus of my attention."

Third, Polanyi's conception of knowing helps avoid the mind/body dichotomy, especially as this is conceived in connection with the problem of other minds. This means: do we know other people as beings with a mind, if all we are passively aware of is their physical attributes and behavior? Hall claims that in Polanyi's view "I am subsidiarily aware of [another's] bodily movements, facial expressions, his words, etc., while my focal attention is on what these clues mean . . . [which is] the person."

Fourth, Hall claims that by reference to Polanyi's focal/subsidiary distinction in the activity of knowing, we can make room for the grain of truth in the private access theory without committing ourselves to the highly problematic dualism, either epistemologically or ontologically.

The Problems with "Moral Education"

Carl Bereiter

Ontario Institute for Studies in Education

"The Morality of Moral Education." *Hastings Center Report* 8(April 1978):20-25.



Trends in educational psychology have succeeded each other with bewildering rapidity during the past twenty years. Prof. Bereiter's article profiles a movement which has all the makings of a new educational bandwagon: the increasing emphasis upon moral education. Two methods of moral education, both non-didactic in character, have been warmly received among educators. These are Lawrence Kohlberg's Cognitive-Developmental approach and the process approach termed "Values Clarification,"

whose most prominent spokesmen are Louis E. Rath, Merrill Harmin, and Sidney B. Simon.

Springing from John Dewey's progressivism, Kohlberg's approach presupposes six stages of moral development which extend from behavior motivated primarily by fear of punishment to the rarer conduct based on self-chosen ethical principles. Kohlberg sees this developmental movement as age-related. However, depending on one's environment, movement may stop at any stage. Values Clarification, on the other hand, sprang from the shallower soil of the mental health movement. As in therapy or growth encounters, this technique stresses personal search and scrutiny of one's underlying attitudes. Proponents of Values Clarification hold that only after such rigorous personal analysis can an individual be said to possess genuine values.

Both methods aim at providing a challenging, even abrasive environment in the classroom. Spirited discussions of moral dilemmas are intended to stimulate students either to a more sophisticated level of moral reasoning (Kohlberg) or to a greater awareness of ethical alternatives by which one may test the validity of personal attitudes (Values Clarification). Neither method inculcates moral values directly.

Prof. Bereiter raises a number of serious objections to the applications of these techniques in the public school. First of all,

both systems emphasize the development of personal values but also assume that at the end of this process the student will have adopted socially acceptable norms. Thus, Kohlberg and the value clarificationists seem bent upon molding a generation of "conforming individualists"—somewhat bookish but otherwise undistinguished middle-class citizens.

In addition, both approaches ignore the very real influence of peer and teacher pressure during supposedly nondirective classroom encounters. Tailoring values to suit a personally significant group or person looms as the most likely choice for school-age children. According to Kohlberg himself, the highest level of moral reasoning attained by most adolescents is Stage 4—a level at which the person is particularly receptive to ideas which hold sway in his immediate environment.

Finally, educators who emphasize personal search in the school environment may ignore the role of parents in the formation of children. This approach also disregards several important religious groups who consider divinely-revealed truth, and not personal search, as the basis of moral education.

Clearly, moral educators have staked out the child as their personal and rightful field of activity. Nonetheless, Prof. Bereiter states, "it does not seem to occur to them that others may have a prior claim to that territory and that their own claims may be illegitimate."

Human Nature and Ethics

Robert J. McShea
Boston University

"Human Nature and Ethical Theory." *Philosophy and Phenomenological Research* 39(March 1979):386-401.

Ethical systems based on explicit or assumed theories of human nature have appeared throughout the history of philosophy—from Plato and Aristotle to Dewey and Rawls. Philosophers whose

ethical views rest upon a precisely elaborated conception of human nature tend to cast their arguments in a form which is generally similar from system to system. In his article, Prof. McShea attempts both

to explain and defend, not the views of an Aristotle or Hume, but the general form which their type of ethical theory normally assumes.

To begin, every human nature ethical theory assumes that each animal species, man included, possesses a genetically determined pattern of feelings and behavioral preferences which may cautiously be termed a *value system*. Human morality is thus viewed as an outgrowth of species preferences—with the crucial difference that a system properly termed *ethical* or *moral* must contain concepts and feelings of obligation which are available only to members of a rational species. Human ethics ultimately derive from our species value system; all differences in moralities may be explained in terms of postconceptional experience.

Despite this biological basis for ethics, however, human beings, unlike other animals, feel impelled to establish behavioral norms which hold sway in varying form in every culture. Other animals need not elaborate such codes, since they react to relatively simple species feelings triggered by environmental cues. The intricacy of the human brain, however, complicates present feeling by evoking rapidly succeeding and heavily cross-indexed images of presents, pasts, and futures. As a result, immediate impressions no longer provide a reliable basis for action.

To restore the functionality of feeling, morality enables us to suspend action for the length of time necessary to allow alternative images or images of consequences to arise. Succeeding images engender contending feelings. The strongest feeling or combination of feelings wins and we act. Gradually these feelings become internalized moral standards and, later, a mature sense of characterological fitness and consistency predispose us to certain decisions.

When our stable configuration of feeling has finally asserted itself, we have reached a *moral* decision. The sense of obligation is implicit in, not separate from, the end-result of the moral process of delay and evaluation. For Prof. McShea, therefore, a feeling of obligation cannot be distin-

guished from an actual obligation. Not every sense of obligation need be accepted as final. We can reexamine facts, reassess feelings, and try for a yet more comprehensive adjustment of all these to our self-image. As self-identical entities capable of long-range action, or responsibility, and of deeply-rooted relationships with other people, we must commit ourselves throughout our lives to the moral process of delay and to action based upon it.

Of course, great disparities may exist among moral codes. The Eskimos and the Romans, for example, viewed treatment of the elderly in quite opposite terms. In Prof. McShea's view, the human nature theorist can determine whether such practices are functional within a certain context. In doing so, he posits a species-appropriate standard.

Prof. McShea summarizes what he considers the distinct advantages of human nature ethical theory: "The theory meets our demand that an ethic be naturalistic and empirical, capable of accommodating our profoundest moral intuitions non-reductively, and that it furnish a common language in which men of all cultures and ideologies can hold reasonable discussions on the better and the worse." □



II

Locke and The Tradition of Dissent

John Locke (1632–1704) evolved his political philosophy in the seventeenth century's English civil war and turbulent debates which pitted the divine right of kings against the popular right of tyrannicide and royal absolution against popular sovereignty. The radical liberal vision of government limited by consent, contract, and natural rights, found classical expression in Locke's *Two Treatises of Government* (1689–1690). As his English biographer, Maurice Cranston, points out in *John Locke: A Biography* (1957), Locke was no headstrong radical in his temperament and, in fact, slowly evolved from an earlier authoritarian attitude requiring complete obedience to magistrates to his later more liberal positions on tolerance, civil rights, the people's right of political resistance and government by popular consent. Yet, in many respects Locke did not choose to perceive the full radical implications of many of his radical liberal ideas, including the right to rebellion. Locke, like his patron Lord Shaftesbury, was a colonialist and imperialist in his belief that it was just to subject Ireland and the American colonies to the King of England. His principle of tolerance did not extend itself to allow atheists or Roman Catholics to live in England. His endorsement of the Glorious Revolution of 1688 was for what he considered "in many respects a conservative rebellion." Likewise, Locke never endorsed an absolute or unqualified "right to liberty." As Cranston observes in his Introduction to *Locke on Politics, Religion, and Education* (1965), pp. 13–14:

Indeed, his whole political philosophy sets out to show how much liberty men can have by pointing out the limits that must be set on their liberty. The limits that are set on liberty are dictated by the nature of political societies as such. One man's freedom stops short at the point where it would jeopardize another man's freedom. Hence freedom in political society is freedom under law. . . . Locke set men on the path of the greatest possible freedom by teaching them the impossibility of absolute freedom. The great apologist of rebellion was also the champion of authority.

In spite of these qualifications, Locke's liberal credentials are still impressive for his encouragement to modernity (see the Zuckert summary on Locke's *First Treatise*) and for the radical implications of his theory of property in promoting individual rights and in restricting government to their protection (see Richard Tuck's summary). Locke looms even more radical in his subsequent influence on radical tradition of dissent from his death to the present day. Thus, Albert Goodwin discusses the significant role that Locke's writings play in "The Radical Tradition in the Eighteenth Century" [*The Friends of Liberty: the*

English Democratic Movement in the Age of the French Revolution (1979), pp. 32–64.] Lately, scholarship has shown a renewed interest in the influence of Locke on the revolutionary ferment in the eighteenth century reaching from Trenchard and Gordon's *Cato's Letters* to the American Revolution.

The following summaries deal with the tradition of dissent, freedom, and rights before, during, and after Locke's major works. Locke himself is studied in relation to his theory of property, tacit consent, his *First Treatise* and his views on the political executive. The remaining summaries deal with those political and religious radicals who have dissented from the prevailing orthodoxy and have followed their reasoning to its conclusions which are anti-authoritarian and favorable to consistent respect for human rights and freedom of conscience.

Grotius, Locke, and Property

Richard Tuck

Jesus College, Cambridge

"The Recovery and Repudiation of Grotius." In *Natural Rights Theories: Their Origin and Development*. Cambridge University Press: Cambridge, 1979, pp. 156–173.

Natural rights theories could be developed in either a conservative or a radical political direction. Thus, Hugo Grotius had invoked the "principle of interpretative charity" to defend the political resistance and common ownership property claims in some extreme circumstance to preserve human life. (This principle implied inalienable rights: *Logically*, free men were able in the state of nature to renounce all their natural rights to survival or to freedom, but *charity* requires us to assume that they have not done so. Our ancestors, being rational, could not have wished to leave us completely bereft of our rights through forfeiting theirs.

During the English civil war of the mid-1600s the Puritan radicals had exploited this principle to argue for inalienable individual rights against government. After the Restoration of the monarchy following 1660, more conservative theorists such as Matthew Hale and Richard Cumberland sought to defuse the

radical possibilities concerning resistance and property of interpretative charity. These Restoration conservatives developed less radical grounding of property rights and obligation on the basis of Grotius's theory of property. Ingeniously, John Locke, likewise avoiding the principle of interpretative charity, was able to turn the Grotian arguments of Hale and Cumberland in a more radical, liberal direction in order to challenge political absolutism.

Samuel Pufendorf in his 1672 work *De Jure Naturae et Gentium* altered his former adherence to Grotius's theory of property and obligation. He went beyond Grotius's prudential basis of legal obligation (fear of the lawgiver's punishment) by stressing the need of a *legitimate* lawgiver who could rightfully obligate man's conscience. Pufendorf also attacked Grotius's account of the primary or original natural rights to property in the state of nature and substituted his "correlative thesis" of

rights: A person cannot assert an exclusive "right" to possessions unless others give their express or tacit consent. Pufendorf stressed that mankind's general agreement in order to secure social utility conferred rights; no prior "rights" could be pleaded against this necessary original agreement. This view could support authoritarian governments.

In Restoration England, Hale, Cumberland, and Locke sought to rehabilitate Grotius's theory of property. Against Hobbes and Selden, the Restoration authors sought to prove that property rights existed in the state of nature and antedated any alleged need for a formal contract of all commoners.

In the 1660's Matthew Hale's *Treatise of the Nature of Lawes in Generall* attempted to synthesize Selden's prudential theory of obligation and Grotius's theory of property. With Grotius, Hale agreed that even in the state of nature man would need exclusive rights to private property.

In 1672 Richard Cumberland's *De Legibus Naturae Disquisitio Philosophica* also supplied a Grotian account of property and law of nature. The law of nature would require private property since it requires those necessary institutions to sustain man as a social being and to maximize his utility. He also used Selden's prudential account for the obligatory force of such a law of nature. But Cumberland has God, the lawgiver, only *gradually* promulgating his binding laws to man as man slowly discerns that the promotion of the general social good through property also promotes his individual egoistic good. God's obligatory edict to maximize the general utility enjoins all men to respect private property.

Locke employed these Grotian private property arguments to support a far more radical political philosophy. Locke's theory of obligation in the state of nature is loose since he avoids specifying how and when men perceive this obligation. More definite is his theory of property, which, at the end of the 1670's, resembled the English post-Restoration Grotians. Collaborating with his friend James Tyrrell in *Patriarcha non Monarcha* (1681), Locke justified exclusive private property as the

necessary means for man to fulfill his divinely imposed obligation to preserve himself and his species. Every man will rationally agree (expressly or tacitly) to abstain from violating another's property in order to secure personal and social utility. An explicit contract of man in the state of nature to create property would be an absurd and impossible requirement that would thwart God's law to form life-sustaining property.

Locke went beyond the conservative Cumberland who sought to justify the existing distribution of property and political power. Locke and Tyrrell gave a more radical twist to the Grotian theory of property. They held that the right to property, even as defined by governmental law, "cannot exclude the natural right every man hath to his own preservation and the means thereof. . . ." In extreme need the industrious poor were entitled, by the same natural law of God which ordained property, to take "the superfluous necessities of life" from the more fortunate. God established property to sustain human life, and men in each age must consent to property distributions only if they fulfill their natural function. Locke also undercut government absolutism by denying the morality of agreeing to the sovereignty of a regime which violated the just purposes of civil government.



Locke, Consent, State, and Property

John G. Bennett
Cornell University

"A Note on Locke's Theory of Tacit Consent." *The Philosophical Review* 88(April 1979):224-234.

John Locke's effort to establish individual consent as the foundation of all government authority led to numerous difficulties which the philosopher was at great pains to resolve. Bennett views Locke's theory of tacit consent in the *Second Treatise* (1690) as a significant example of Locke's convoluted and ultimately unsuccessful attempt to establish the principle of consent.

At first, Locke's principle seems unexceptionable: power legitimately exercised requires the assent of the naturally free men upon whom it is exercised. A basic problem arises, however, owing to the territorial nature of states. How many British subjects in Locke's time, for example, had ever acquiesced to their sovereign's authority over the theory of tacit consent was intended to resolve. Locke asserts that anyone wishing to enter the territory of an established government has *tacitly* agreed to obey its laws.

At the very outset, an analysis of this theory requires a clear understanding of what the term *tacit* means. By discussing a series of hypothetical examples, Bennett strives to refine this notion. He essentially concludes that an action (or even omission) signifying agreement should be of significance *only* as a sign. Raising or lowering one's arm, for example, is normally an action of neutral import. Thus, raising one's hand has served long and well as a sign of unspoken agreement.

Following the logic of this clarification of the term 'tacit', Bennett asks whether the simple desire to enter a particular country might signify motives other than assent to the nation's legal code. Obviously it might. How does Locke then justify prohibiting entry into a country of those who have not so consented? To answer such an objection, Locke advanced a theory of property.

The Lockean state is formed by the vol-

untary association of independent landowners. These holders of property establish uniform rules by which others may have access to their land. Thus, in response to the question of the right of entry, Locke affirms that anywhere a person goes in a country he is on land that belongs to someone. The conditions under which the property owner holds his land allows him to bar entry to anyone who does not consent to the established rules (laws) of proper conduct. To enter his land without granting such assent constitutes trespass.

Locke's justification of political power creates, in Bennett's view, as many problems as it purports to solve. Can a person really consider himself "free," Bennett asks, if he is born into a territory entirely owned by others? While he may *theoretically* withhold consent and not be subject to the landowners, he would violate the natural law in so doing. In the state of nature, Locke's landowners behave as little despots, exercising all the powers governments will eventually acquire. A commonwealth only makes this power collective. As a result, anyone wishing to avoid subjection as well as an affront to the law of nature has but one choice open to him: he must acquire land which is not owned by anyone else.

Prof. Bennett goes on to question Locke's account of the origin of property. He denies that rights of ownership can exist apart from governmental or social institutions.

Thus, Bennett concludes that Locke has failed to reconcile the consent doctrine with the territorial character of government. Locke's implausible doctrine of property undermines the appeal of the consent doctrine. Considering the flimsiness of these two essential links in Locke's argument, there exists no satisfactory union between consent and the territorial nature of the state.

Locke's First Treatise and Modernity

Michael P. Zuckert

Carleton College

"An Introduction to Locke's *First Treatise*." *Interpretation* 8(January 1979):58-74.

Locke's *First Treatise* has suffered a long but undeserved history of neglect in comparison to his *Second Treatise*. Peter Laslett, however, has shown that both *Treatises* need to be read together as part of an essential unity. Locke's *Two Treatises* together were not *post hoc* justifications of the Glorious Revolution (1688), but revolutionary tracts "on behalf of the devoutly hoped for revolution to come, to be sponsored by his patron Shaftesbury, at the time of the Exclusion Crisis about a decade earlier." Laslett also shows the unity of both *Treatises* in their polemical target, Sir Robert Filmer.

The *First Treatise* seeks both to refute Filmer's *Patriarcha* with its theory of the divine right of patriarchal kingship and to vindicate the Lockean "consent of Men" doctrine with its belief in the inalienable natural rights and freedom of men. Locke criticizes Filmer's scriptural and natural arguments that absolute monarchs derived by direct inheritance their non-democratic rule from Adam's patriarchal sovereignty. God gave dominion not solely to Adam but also to Eve; this dominion was personal not political; and we cannot even trace any alleged rights of inheritance.

On a deeper level the issue between Locke and Filmer is whether a scriptural beginning point is justifiable or helpful in political methodology. Filmer believed that he needed to refute Bellarmine's defense of the "natural liberty of the subject" since Bellarmine, alone of his opponents, vested his arguments for popular political power on scriptural basis. Locke believed that a scriptural orientation is not the proper epistemological beginning point for establishing natural freedom and popular sovereignty. "Filmer is a surrogate for the Bible" and "Locke uses Filmer to get at the Bible itself." Locke concentrates on the Biblically related themes of Filmer's theory and deliberately ignores Filmer's more naturalistic arguments. In fact Locke's

misrepresentation of Filmer's arguments shows that his chief concern is not Filmer but an examination of Scriptures. "The beginning of wisdom about the *First Treatise* is a distrust bordering on disregard of the surface structure and surface argument of the *First Treatise*." The "issue of the *First Treatise* is the Hobbesian right of nature—the right of everyone to everything in nature—against the *Scriptural* understanding." Scriptural understanding is a variant of a broader moral and intellectual orientation, the "pre-modern consciousness." Locke, in the *First Treatise*, champions the right of nature and the post-Cartesian "new way of ideas" in political philosophy against the Biblical, pre-modern awareness that inadequately understood human freedom, property, and creation by making man subordinate to a primitive, inadequate notion of God.

Locke interpreted revelation and the Bible not as divine, but as human things in terms of his *Essay of Human Understanding*. His modern scientific method and epistemology aimed at translating and reducing scriptural, precritical modes of expression into the naturalistic words, ideas, and things. "Whereas the Biblical God enjoins in man freedom to obey, the Lockean substitute for God—the "wise and god-like prince"—ordains simply 'laws of liberty'." Man, to be truly free, must transcend the pre-scientific view of himself as the primitive Biblical God's creature. Similarly, man must modernize his understanding of property as God's "donation" to him in order to possess human clear title. "Locke's intention is to emancipate man from the restraints in his freedom and in his ability to appropriate the world for his own." Man's culture and choices and labor provide him with the gifts of property and freedom, they are not given by outmoded concepts of God or nature.

Locke and the Executive

Larry Arnhart
Idaho State University

"'The God-Like Prince': John Locke's Executive Prerogative and the American Presidency."

Presidential Studies Quarterly 9(Spring 1979): 121-130.

Many American presidents have claimed the right to exercise extraordinary powers to respond to national crises. Nonetheless, the legal status of this claim remains unclear. An analysis of John Locke's radical theory of prerogative reveals the difficulty of reconciling this privilege with constitutional government. Abraham Lincoln's frequent abuses of executive prerogative further highlights this difficulty. Finally, we may question whether the U.S. Constitution makes adequate and legal provisions for emergency powers.

John Locke contended that the sluggishness of legislatures and the rigidity of law hamper a government's efforts to cope with the flux of human affairs. These qualities are particularly obstructive in crisis situations. On the other hand, the flexibility and decisiveness of the executive make it the natural branch of government to deal with an always fluid reality. Indeed, in Locke's view, government originally consisted of executive privilege alone. Only with the tyrannical practices of "weak princes" did the people turn to the protection of parliaments and laws. Were it not for these abuses, Locke thought, the naturally torpid populace would never have withdrawn its consent from their sovereign's absolute discretionary powers. Clearly, the unrestricted prerogative envisioned by Locke has little in common with the checks and balances rooted in the American system.

Nonetheless, Abraham Lincoln offered an almost Lockean defense for his suspension of *habeas corpus* and his assumption of sweeping military powers at the onset of the Civil War. To counter charges of illegality, Lincoln replied that, "whether truly legal or not," his actions were in response to "a popular demand and a public necessity." In cases of emergency, Lincoln argued, the President has the right to step outside the constitution and appeal di-

rectly to the people as his source of power. Secondly, Lincoln stated that, in order to carry out his oath to "protect and defend" the Constitution, the President might, in dire emergency, violate a provision of the document lest it perish entirely.

To the first of Lincoln's arguments, Prof. Arnhart replies that, in a constitutional system, it is not public opinion but the Constitution itself which serves as the ultimate source of authority—discretionary or otherwise. As for the second argument, it is, in Arnhart's view, strange to argue that, in order faithfully to execute the laws of the land, the President may break them.

Arnhart maintains that evidence from both the *Federalist Papers* and the Constitution itself demonstrates that the Founding Fathers sought to provide for all necessary discretionary powers *within* the constitutional document. In the American system, however, prerogative was to be a *shared* responsibility of the executive and legislative branches of government. Thus, in the Constitution's war provisions, the President's prerogatives as commander-in-chief are checked by the discretionary powers of Congress to declare war, to raise troops, and to allocate funds.

The framers of the Constitution, Prof. Arnhart asserts, were well aware of the dangers inherent in inflexible restrictions which would be unobservable in times of emergency. The shared prerogative which they devised, however, insured that, even in times of dire crisis, the Republic would remain a republic.



Religion, Regicide, and Resistance

Francis J. Bremer

Millersville State College, Pennsylvania

"In Defense of Regicide: John Cotton on the Execution of Charles I." *The William and Mary Quarterly* 37(January 1980):103-124.

King Charles I was executed on January 30, 1649. Months later New Englanders learned that the regicide had been sanctioned by an English Parliament purged of over one hundred members by the troops of Colonel Thomas Pride (Pride's Purge), and that a republic or Commonwealth had replaced the monarchy. We can discern how these English events were interpreted by some in New England through a newly edited sermon of John Cotton (1584-1652). A radical Puritan from England, Cotton became an American Congregationalist preacher of the First Church of Boston. The occasion of his 1651 sermon was to give thanksgiving for Oliver Cromwell's victory over Charles II and his Scottish supporters in 1650.

In the sermon, "Cotton strove to allay any doubts his listeners might have still entertained about the purge of parliament, the execution of the king, and the continuing progress of the English Revolution." His case rested on biblical exegesis and on theories of resistance to tyrants that had entered English Protestant dissent a hundred years earlier. Cotton sought to support his English co-religionists in bringing about the apocalyptic millennium. His sermon also clarifies Cotton's political views and those of early New England eschatology.

During the English Reformation such dissenters as John Knox had justified re-

sistance to magistrates by choosing divine authority over Mary Tudor's Catholicism. These theories of resistance and regicide were revived during the Puritan Revolution. Thus in *The Keyes of the Kingdom of Heaven* (1644), Cotton had endorsed the right of revolution against unjust and godless magistrates.

In his 1651 sermon, Cotton justified Pride's Purge by identifying the army as the people's legitimate guardian to preserve England from the anti-Christ and the papacy. He extended the right of resistance to New Englanders in Massachusetts who might purge the General Court should it ever accept an English governor-general. He also approved of a "lawful and loyal conspiracy" to preserve English liberties and religious truth.

In the crisis times of the struggles between the Stuart monarchs and their non-conformist subjects, New Englanders expected the near approach of the millennium. These expectations give Cotton's sermon an hysterical eschatological confidence. Cotton's sermon also tried to patch up differences between English Congregationalists and Presbyterians. Besides the many biblical proofs of the right of regicide, Cotton also adapts a passage from the *Roman History* of Dio Cassius: "It is a wise speech of Trajan when he committed the sword to any; Use it for me, saith he, while I rule according to law and justice, but against me when otherwise."

William Penn: Religious Liberal

Hugh Barbour
Earlham College

"William Penn, Model of Protestant Liberalism." *Church History* 48(June 1979):156-173.

William Penn (1644-1718), English Quaker and founder of Pennsylvania (1681), typifies Protestant liberalism in his union of a universalist humanism and

radical religious freedom of conscience. Trusting as an ultimate source of knowing in the anti-authoritarian and highly individualistic "Light within" of private

judgment, Penn sought to remake mankind and society by removing selfishness. Against a backdrop of an immoral society and anti-Quaker political persecution, Penn combined the ethical concerns of rational humanism, millennial religious urgency, and a shrewd pragmatism in his views of history, toleration, theology, and ethics.

Penn's historical views progressed from a conservative sectarian separatism for the Quakers to a more universal humanistic sympathy for all mankind. Convinced that the Friends were a "saving remnant" he also showed concern for non-Quakers. "He did not feel inconsistent in campaigning for his agnostic friend, the republican Algernon Sidney, in the two parliamentary elections of 1679 despite the misgivings of many Friends, since it seemed the best hope in a generation for achieving toleration through Parliament."

Throughout his life Penn crusaded for religious and political toleration. Thus, his universalism, liberalism, and humanism becomes apparent in the shifts in his various arguments for toleration. Penn argued for toleration more from pragmatic, economic, rational grounds (together with the universal value of free conscience) than from the doctrinal or sectarian claims of the Quakers' "Light within." On humanist grounds he held the rationalist's faith in tolerating dissent, since inquiry and debate would sift truth from falsehood. Increasingly he stressed that it was in the pragmatic interests of the would-be intolerant persecutors and of men in general

to promote toleration on behalf of the civil interest in tranquillity. Penn's pragmatism in achieving toleration appears in his switching to political allies who could best advance his goal of toleration. Penn tended to identify the "Light within" and free conscience with individual reason as a basic principle of individual freedom and pluralistic liberalism.

Penn's theology interacted with his ethical and social liberalism. He balanced a liberal openness of the Light's power in every person's experience with a need for atonement through Christ. Like most Quakers, Penn was a Sabellian who fused the Father, Son, and Holy Spirit into one God rather than a Socinian who denies the divinity of Christ. In his *The Christian Quaker* (1674, 1699) he affirmed the Quaker belief in the universality of Light's reach in touching all men's hearts, but he recognized the difficulty of exercising radical moral judgment to extirpate pride and selfishness from the heart. His latitudinarian conviction of how the Light was available to all men including pagans may have been influenced by such Cambridge Platonists as Jeremy Taylor. The Cambridge Platonists "rooted religion in a direct intuitive knowledge of God," an understanding that they identified with reason.

"Today's Quakers are still faced with Penn's dilemma, how to recognize and affirm truth insofar as it may be shown in any man, and yet respond to man's need for moral challenge and social transformation.

Samuel Gorton: Antinomian Radical

Philip F. Gura

University of Colorado, Boulder

"The Radical Ideology of Samuel Gorton: New Light on the Relation of English and American Puritanism." *The William and Mary Quarterly* 36(January 1979):78-100.

Samuel Gorton (1592-1677), the antinomian Puritan who preached during the English Civil War of the 1640's among the radical Puritans, soon stirred up New England's deepest fears that his mystical independence would transport political, social, and religious unrest to the new

world. He raised political questions of civil disobedience and resistance by denying the jurisdiction of magistrates over individual conscience. For Puritans committed to an "Independent" or Congregational ecclesiastical policy, Gorton raised the problem of non-conforming political resis-

tance based on mystical religious faith. Eventually Gorton and his civil disobedient followers would see that their ideas were embodied in Quakerism.

Gorton's first "offense" was his principled defense in 1638 of his maidservant's smiling at a Sabbath meeting. The established ministry of Plymouth tried Gorton "for religious and civil insubordination." Exiled from Plymouth, he was in turn whipped and banished from Portsmouth for refusing to honor the local government's authority in a trespassing complaint. Even in Roger Williams' Providence, Rhode Island, a haven for dissenters, Gorton stirred up opposition through his civil disobedience in rejecting Massachusetts Bay Colony's jurisdiction over him. Gorton and his followers were eventually arrested in Warwick and tried in Boston as "heretics and enemies of civil government." Once released, he sailed to England to preach his dissenting ideas and to protest his treatment by Massachusetts.

The heart of Gorton's "heresy"—which excited the civil authorities of the Bay Colony, Plymouth, and Rhode Island—resembled the antinomian anti-authoritarianism of the dissenters in England which later became a key part of Quaker theology. "He argued for an essential divinity in all human beings, a divinity that was defined by the Holy Spirit's presence and that precluded any arbitrary distinctions (be they religious or political) between saints and sinners." The believer's personal connection with God

exempted him or her from obedience to all mankind's perverse laws. Gorton's theology linked him with some of Oliver Cromwell's chaplains in the New Model Army. The inner experience of God, not laws, bestowed true freedom. God had not "made man to be a vassal of his own species." To display personal responsibility to civil or religious authority was idolatry and postponed the millennium. If Christ were a "sufficient King and Ruler in his Church, all other Authority and Government erected therein is superfluous and a branch to be cut off."

Gorton's anti-authoritarian ideology threatened the political-religious hierarchy of New England with the ideal of individual liberty and the egalitarian priesthood of all believers. His radical democratic beliefs provoked a 1649 pamphlet against him, entitled *The Danger of Tolerating Levellers in a Civil State*. Gorton himself published counter-tracts in England between 1644 and 1648 against social hierarchy and moved in the complex radical community that revolved around the preachers in the New Model Army.

Gorton returned to America and Warwick, bringing with him the radical unrest of the English Civil War. Having absorbed the spirit of toleration in England, Gorton protected American Quakers. He is best understood in the context of "English radical spiritualism." He affronted New England's complaisant sense of inner stability and rightness.

Harrington's Aristotelian Republicanism

James Cotton

University of Newcastle upon Tyne

"James Harrington as Aristotelian." *Political Theory* 7(August 1979):371–389.

James Harrington (1611–1677), the English political theorist so influential among constitutional framers in the eighteenth century, derived much of his political thought directly from Aristotle. In his Constitutional blueprint, *The Commonwealth of Oceana* (1656), Harrington's Aristotelian borrowings extend

from matters of constitutional detail (rotation of offices, agrarian laws limiting the extent of farm holdings, etc.) to Harrington's principle of political "balance" and his emphasis on property distribution to achieve a polity's balance and stability. *Oceana*, consistent with Aristotle's ideas on the nature of the good state, is not, as

Leo Strauss maintains, an example of a "modern" utopia and republic.

In *Oceana* and *The Prerogative of Popular Government*, Harrington follows Aristotle in the notion of "the Balance," the idea that inequalities of wealth which make for political instability should not be allowed to "overbalance" the equilibrium of harmonious social classes. No economic or social class should exercise a disproportionate political pull and thus provoke envy and subversion. Going beyond Aristotle, Harrington endorsed agrarian laws that reallocated land when property inequalities threatened social unrest. Aristotle never countenanced a simplistic leveling of property to achieve constitutional harmony.

Harrington more closely derives from Aristotle (and Livy) the anti-Hobbesian notion of a "government of laws" as opposed to a government of men. One Aristotelian device in *Oceana* intended to counteract a government by men is rotation of citizens in office to allow a variety of talents and resist corruption. In Harrington's bicameral legislature, he limits the role of the popular legislative house ("Prerogative Tribe" or the "foot") to "resolve" on issues that are formulated and debated by the Senate (the "horse"). This distinction is based on property differences in the ability of citizens to equip them-

selves for the militia as either foot soldiers or cavalry. Men of property were presumed to be men of virtue. The bicameral legislature would thus balance oligarchic and democratic elements.

Oceana is Aristotelian also in defining what is the good life for the state. The *Olphaus Megaletor*, the state lawgiver and general, would reallocate property to secure a stable social balance of goods of the mind and of fortune. *Oceana* imitates not Aristotle's "best" state but rather "polity" or the mixed regime whose stable middle class outweighs the influence of either masses or notables. Although only those who possess arms enjoy constitutional rights, it seems that this class includes all in the independent middle class or above.

Leo Strauss claimed that Harrington's republicanism and utopia were "modern" rather than ancient. Strauss viewed the "classical republicans" of the seventeenth and eighteenth centuries as excessively democratic in contrast to the ancients. Yet Harrington is not a partisan of modern democracy since his property qualifications restricts and tempers "popular" consent and participation in politics. Harrington, in ancient fashion, expected superior virtue from the gentleman class. Finally, Harrington's utopia is intended as realizable as Plato's ancient "second best" utopia in the *Laws*.

Burgh: the Ambivalent Lockean Radical

Carla H. Hay
Marquette University

"The Making of a Radical : The Case of James Burgh." *Journal of British Studies* 18(Spring 1979): 90-117.

James Burgh (1711-1775) is best known as one of England's foremost publicists for advocating radical political reform, Lockean human rights, and virtual universal manhood franchise. His *magnum opus*, *Political Disquisitions*, climaxed fifty years of political agitation by British Commonwealthmen (champions of the republican ideals of the seventeenth century English Revolution), and served as an influential reference work and inspiration for eighteenth and nineteenth century reformers in England and America. Yet al-

though Burgh was a spokesman for radical reform and popular participation in political decision-making, he disavowed radical goals and revolutionary methods. This paradox in his behavior—revealing the ambivalences within eighteenth-century British radicalism—flowed from Burgh's religious conservatism which encouraged deference to authority and social stability.

The son of a Church of Scotland minister, the moralistic Burgh's early political philosophy was a mixture of Commonwealthman radicalism and Lord Boling-

broke's social conservatism. Gradually Burgh came to deemphasize both Bolingbroke's notions of an aristocratic social hierarchy and the hope that George III would be the "patriot king" who would lead the masses to greater political participation. He imbibed the revolutionary ideals of the Glorious Revolution and the radical implications in the writings of James Harrington, Algernon Sidney, John Locke, Lord Shaftesbury, Hugo Grotius, and Samuel Pufendorf. Particularly influential in his radicalization was Locke's contract theory of government with its defense of individual liberties, popular sovereignty, and the revolutionary implications for changing government through popular agitation, petition, and initiatives.

Burgh's initial radicalization occurred after the failure in 1754 of his "Grand Association," which hoped to achieve popular representation by naively enlisting the leadership of the English social elite. Burgh moved in radical political circles and was an intimate of Richard Price, the salon of Catherine Macaulay, and the "Honest Whigs," whose members included Joseph Priestley and Benjamin Franklin. In 1764 he published *An Account of the Cessares*, a utopian reform proposal urging limited monarchy and the end of political corruption. In 1767, in response to the American Stamp Act crisis, Burgh wrote *Crito*, which defended the Lockean concept of the "inalienable right of a free people to call their governors to account"

and urged popular political associations and petitioning. In 1768–1770, he reached a wide audience through newspaper articles on such topics as annual parliaments, adequate popular representation in Parliament, and the unconstitutional denial of a parliamentary seat to the popular spokesman, John Wilkes. Stressing the consistent application of constitutional liberty, Burgh saw the interdependence of American colonial and domestic English grievances. He thus evenhandedly supported the petition movement to seat Wilkes in parliament as well as the attempt to repeal the Townshend tax duties on the American colonies.

Ambivalence undercut some of Burgh's radicalism. Although he wished to extend the vote to the industrious poor and form popular associations to pressure government to reform, Burgh would have excluded from the vote able bodied men who refused to labor and would punish them by transporting them to the plantations. In the same ambivalent vein, Burgh was not an egalitarian and did not rest his defense of virtual universal manhood franchise on any theory of the natural political rights of all men (or women) but rather on the traditional principle that property confers special political and social rights. Agreeing with Locke that the people had the right to alter their government, Burgh's social conservatism and fear of revolutionary instability induced him to seek leadership from men of property and status.

Price on Moral and Civil Liberty

Robert E. Toohey

"A Question of Human Freedom: Richard Price." In *Liberty and Empire: British Radical Solution to the American Problem, 1774–1776*. Lexington: The University Press of Kentucky, 1978, pp. 90–102.

By championing liberty, Richard Price (1723–1791) endeared himself to the American Revolutionaries as well as British and Continental radicals for freedom. His American friends included Benjamin Franklin and John Winthrop. In England, he associated with Joseph

Priestley, Adam Smith, and the Earl of Shelburne. Among the radical "Honest Whigs" his fellow devotees of freedom included James Burgh, John Horne Tooke, and Joseph Jeffries. An "apostle of liberty," and son of a dissenting minister, Price functioned as an English moral and

political philosopher to glorify God and improve humanity's lot by stressing the lifegiving qualities of human liberty. (It was his sermon on the liberating currents of the early French Revolution that provoked Burke's conservative denunciation in *Reflections on the Revolution in France*).

Price's moral philosophy of "rational intuitionism," and moral liberty laid the foundations for his ideas on civil liberty. Reacting against British empiricism, he maintained that moral truths are knowable through the intuition of self-evident ideas. Man can make moral judgments by reason, not sensation. As a free moral agent, man is not subject to deterministic forces. By grounding his moral philosophy on God's law he created a more religious basis for political ideas. Thus, the religious dimensions of Price's moral and political ideas were more congenial to Americans than the "cold, impersonal deism which infuses the Declaration of Independence."

The American Revolutionary generation inherited a legacy of religious dissent and suspicion of authoritarian government which found congenial support in Prices' writings, particularly his *Observations on the Nature of Civil Liberty* (1776). The *Observations* sold over 60,000 copies just weeks after its publication, and went through forty editions during its first two years. Price's *Observations* "approaches the American crises from three distinct vantage points—[1] the critical issue of human liberty which pervades the whole imperial crisis, [2] the wisdom of a British policy which seeks to settle the matter by force of arms, and [3] an alarming calculation of the national debt followed by estimates of how much the war will threaten the government's fiscal stability."

In Part I of the *Observations* Price engages in political analysis of Britain's imperial crisis with the American colonials from the moral framework of the supremacy of liberty. Man's liberty is of four kinds: (1) physical liberty (or man's freedom to be morally responsible for his actions), (2) moral liberty (the freedom to act according to one's reasoning about right and wrong), (3) religious liberty (the freedom to follow one's conscience in doing God's will), and (4) civil liberty. Civil liberty, which forms the major theme of Part I

of Price's *Observations*, is conceived of "as the freedom of people to govern themselves under laws made with their assent and intended for the general welfare." Since the liberty of individuals is the chief reason for having government at all, the freedom of a people is more sacred than the authority of governments to maintain law and order. A free state is allowed (contrary to British imperial practice in America) to govern by the consent of its members' will.

Part II of the *Observations* criticizes the British imperial policy that would violate the fundamental morality of liberty by subjugating the American colonials against their will in a "just war." Price pointed out that Americans were fighting England over the very principles of liberty in whose name Englishmen themselves had opposed King Charles I in the seventeenth century. Furthermore, Price weighed how slim were the chances for a British military success against colonials who were fighting on their own ground for their homes and families.

In Part III of the *Observations* Price shocked England by his accurate calculations of the ruinous national debt and how a war against America would cripple England's financial health.

Price's *Observations* thus skillfully interwove his moral philosophy of liberty with a sharp analysis of the American crisis in philosophical, military, and economic terms. For Price the Anglo-American crisis centered on human freedom. He demonstrated that imperialism subjugated people and abridged their freedom. His *Observations* handed down a legacy of anti-imperialism and love of civil liberties.



Priestley and Liberty

Stuart Andrews

"Joseph Priestley and American Independence."
History Today 29(April 1979):221-229.



Joseph Priestley (1733-1804), the English radical dissenting minister, scientist, and political philosopher, belongs to the pantheon of "Atlantic Revolutionaries," who advanced science, freedom, and American Independence. He moved in a cosmopolitan circle of friends who included the American revolutionaries, (Franklin, Jefferson, John Adams), fellow English radicals (such as Richard Price and Tom Paine), and such Enlightenment *philosophes* and scientists as Condorcet and Lavoisier.

Priestley's political philosophy foreshadowed the American Declaration of Independence in its Enlightenment commitment to freedom, progress, popular sovereignty, and the right of the people to alter any government which violated rights. His 1768 *Essay on the First Principles of Government*, which articulated these views, deeply influenced the utilitarian radical Jeremy Bentham as well as many American liberals. Priestley's own dedication to the principles of liberty of the French Revolution made him the target of an Anti-French Birmingham mob which rioted in 1791, destroying his scientific apparatus and motivating him to emigrate to America in 1794 after a brief time spent

teaching at a new Dissenters' College in London.

Thomas Jefferson befriended Priestley in 1797, valued his liberal political principles and his rationalistic approach to religion in *Socrates and Jesus Compared*. Earlier Benjamin Franklin had struck up a warm friendship with his fellow scientist and *philosophe* Priestley in London during 1766. In fact, Priestley's *History of Electricity* preserved Franklin's account of his famous kite experiments with lightning and electricity. Franklin also encouraged his friend to publish the widely read tract on English and American liberties, *Address to Protestant Dissenters of All Denominations on the Approaching Election of Members of Parliament, With Respect to the State of Public Liberty in General and of American Affairs in Particular* (1774). Priestley's pamphlet showed how the principles of liberty united the right of religious dissent in England with the right of the American colonies to a measure of political independence and freedom from taxation without representation in parliament. He prophesied that British injustices to the colonies would lead only to resistance and eventual political independence.

1774 was Priestley's *annus mirabilis*. He produced not only his political *Address* but also the scientific discovery of oxygen, which eventually won him membership in the French Academy of Sciences. By 1773 he had left his dissenting ministry at Leeds, and from 1773-1780 he served as librarian to Lord Shelborne at Calme, a post that enabled him to equip his scientific laboratory and travel through Europe to meet *philosophes* and the eminent scientist Lavoisier. In England he was a member of the radical Honest Whigs Club where he conversed with such notables as Richard Price and Franklin.

Never taking American citizenship after his emigration in 1794, Priestley died in Pennsylvania in 1804, having throughout his life professed freedom in science, religion, and politics.

Stateless Defense of Rights

Murray N. Rothbard

Polytechnic Institute of New York

"Society Without A State." In *Anarchism. [Nomos XIX: Yearbook of the American Society for Political and Legal Philosophy]*. Eds. J. Roland Pennock and John W. Chapman. New York: New York University Press, 1978, pp. 191-207.

Can an anarchist society—a society which prohibits one agency from holding a coercive monopoly in defense services such as courts, police, army, and law—function successfully? It is conceptually possible for private, nonstate, nonmonopoly agencies to supply these defense services. Historically, this possibility has been realized. Ethically, private agencies would not have to resort to the immorality of coercing taxes from unwilling individuals to acquire their income. Since state coercion (aggressive violence or its threat) violates human rights, we need to explore the possible mechanisms by which a free, stateless society could efficiently provide protection services for person and property. These mechanisms would dissolve the present state-provided services into social and market arrangements.

How then would a market society settle disputes over alleged violations of persons or property? No problems arise if the plaintiff and defendant voluntarily submit their case to an arbitrator (chosen after a dispute has acquired or beforehand according to the terms of a contract). In fact the private American Arbitration Association which has created a body of private law, often makes the government court system play a secondary role. Similarly the effective law merchant and admiralty law developed outside the government system of justice. These private courts enforced acceptance of their decisions by threat of social ostracism and commercial boycott against the offending party. A party who refused to abide by the private court's decision would risk losing his trustworthiness and credit ratings. Private arbitrators would be chosen in a free market on the basis of reputation for expertise and fairness. Through competition they would not owe loyalty to vested interests or political connections. In the arbitration process, the parties could provide in advance for a set number of courts of appeal.

But what mechanism would the market

employ for torts or crimes of aggression which involve no prior contractual procedures for arbitration? Or how would a market system be able to enforce decisions against contract breakers who refuse to honor arbitration awards?

The principles to be followed are not to violate rights and to use socially accepted procedures. It is likely that police and court services would be provided by crime insurance companies to their clients. These insurance companies would pay their clients who were victims of crime or contractual violations and then seek to recoup their losses by pursuing the aggressors in court. "Courts might either charge fees for their services, with the losers of cases obliged to pay court costs, or else they may subsist on monthly or yearly premiums by their clients, who may be either individuals, or the police, or insurance agencies." Market prudence would make it likely that rival court and police systems would have prior contractual arrangements to deal with conflicts between clients who use different protection agencies. The police and court systems could employ "defensive force—force in defense of person and property—" to enforce legitimate decisions against guilty parties.

Severe market checks of competition would minimize the possibility that private courts would become corrupt and dishonest, or that private police would become criminally coercive. Private agencies would not possess the mystique of legitimacy now possessed by the monopoly government courts and police. Thus clients would feel free to do business with only those agencies with the best reputation for honesty and peaceful procedures. The evolving law code a free market would prohibit aggression against person and property, and would arrive at detailed legal principles on the basis of custom, reason, justice, rights, and social acceptability.

Mill, Communism, and Human Nature

David Levy

National Planning Association

"Libertarian Communists, Malthusians, and J.S. Mill Who Is Both." *The Mill News Letter* 15(Winter 1980):1-16.

Paradoxically for a Malthusian spokesman, John Stuart Mill's social philosophy defends a form of "libertarian communism" on grounds that parallel William Godwin's argument for abolishing private property in his *Enquiry Concerning Political Justice*. Both Mill and Godwin believed that communal property could be accompanied by man's moral development. He would prefer public to private interest and thus be motivated to restrain sexual passion and population growth.

The theoretical issue is whether human nature should be viewed as fixed and unvarying on the basis of past observations, or as developmental and perfectible and thus capable of living up to a "higher" altruistic morality than it has in the past. Mill argued that "successful libertarian communism would inculcate an altruistic moral motivation replacing self-regarding motivation." He defended libertarian communism by challenging the foundations of Malthusian "economic reductionism," which claimed that human motivation and goals were fixed, and therefore, open to scientific analysis and prediction.

The background of Mill's position involves the debate between William Godwin and T.R. Malthus over the desirability of private property and the related issue of parental responsibility in limiting population. John Locke's *Second Treatise* had endorsed private property appropriation so long as it does not reduce the amount left in common for others to use (the famous "Lockean proviso" on appropriation). Hume had criticized Locke's innuendo of economic abundance and noted that property exists only in conditions of scarcity. Entering this older debate Godwin countered that scarcity itself was an artificial creation of property. Abolishing property would remove scar-

city and foster general benevolence. Egalitarian distribution of income would co-determine the new altruist morality.

Malthus next entered the debate and counterargued that scarcity is natural and cannot be altered by reforming social institutions (such as property) since human motivation is fixed: human wants and passions are always insatiable. Thus, if Godwin's libertarian communism were to substitute communal for private responsibility in supporting one's offspring, the "tragedy of the commons" would result. Potential parents would be more prone to indulge their passion and beget extra children since they could pass on the costs of support to society at large. Communism, in effect, creates "perverse incentives" that encourage excessive population growth. The natural check to population was rather to make every man provide for his own children.

Mill's fellow Malthusian, Nassau Senior, had reasoned that the poor laws could be so devised that they would create no perverse incentives to higher birth rates. Similarly, Mill believed that under libertarian communism individuals would act out of social concern in their family-forming decisions. Against the economic reductionists he affirmed that past human motivation in sex and family matters need not be constant for the future but could be transformed by human moral development. In the new communist society of evolving moral development, we might expect social unity, the suppression of narrow self-interest, and an improvement over the contradictory morality of Christianity. In effect, Mill's argument is a secularized version of theological utilitarianism or Pascal's wager argument: any gamble to attain an infinite goal (not God, but social moral development) is worth the cost.

Spain and Political Ideology

Juan Beneyto

"La ideodinámica política española, entre Rousseau y Marx." *Revista de Estudios Políticos* 3(May-June 1978):121-132.

Professor Beneyto traces the diffusion of revolutionary ideas in Spain from the middle of the eighteenth to the beginning of the twentieth century. He also describes the zealous efforts of certain regimes during this period to halt the spread such notions. Beneyto thus provides an overview of Spain's contact with European intellectual currents over a century and a half.

The last half of the eighteenth century witnessed the Spanish government's most concerted efforts to suppress revolutionary ideas in Spain and in its far-flung colonies. During this period, ministers of the Spanish kings attempted to establish a military "cordon sanitaire" across the Pyrenees. In so doing, they hoped to stem the flow of books and pamphlets from the increasingly free-thinking capital of France. Yet, despite this formidable barrier, seditious material crossed the frontier in large quantities, often in the most unexpected ways—in the linings of hats, as wrapping paper, etc.

Precautions were also taken to prevent 'contamination' from other Spaniards. In 1790, King Carlos IV forbade any of his vassals to study abroad without his express permission. To discourage the desire to travel or to read subversive literature, Carlos imposed severe restrictions on the teaching of foreign languages. In 1791, the government ordered all newspapers to cease publication—with the sole exception of the authorized *Diario de Madrid*.

Nonetheless, the idea of popular sovereignty continued to make inroads among Spaniards of all classes. At the beginning of the nineteenth century, a new genre was invented to popularize anti-monarchist ideas—the *Catecismos*, question-and-answer propaganda manuals modeled

after Roman Catholic catechisms. They often contained revolutionary liturgies and *Credos*, one of which began: "I believe in the French Republic, one and indivisible, creator of equality and freedom. And in General Bonaparte, its only son, our defender . . ."

The books of foreign authors circulated in editions printed abroad, in manuscript form, or in abridged translations. The most avidly read writers included Rousseau, Montesquieu, Benjamin Constant, Destutt de Tracy, De Præct, and Jeremy Bentham. During periods of relative intellectual freedom, the *Ateneo de Madrid*, a major center of liberal thought, undertook translations of these authors' principal works. Later in the century, Lamennais, De Maistre, De Toqueville, Vico, Gibbon, and Thiers enjoyed periods of wide circulation, often in spite of official disapproval.

The final great ideological influence from abroad was that of Marxism. The *Communist Manifesto* appeared in the Madrid weekly *La Emancipación* in 1872, as well as in the Barcelona weekly *El Obrero* ten years later. Translations of *Das Kapital* would be issued successively in 1883, 1906, and 1931. At the beginning of the twentieth century, the Spanish Socialist Workers Party distinguished itself as the most informed exponent of Marxist thought.

Intellectual life in Spain from 1850 to 1930 offers the fascinating spectacle of determined censorship alternating with almost unbridled freedom. The head-or-tail pattern makes Spanish intellectual life a most difficult, yet worthwhile field of study. This and other articles penned by Prof. Beneyto are aimed at elucidating this significant, but neglected chapter in the ideological history of the West. □

III

Women, Family, and Freedom

The following summaries delve into the condition of women and the family from the perspective of rights and freedom. The beginning traces of feminism in Europe and the United States is discussed by examining the writings of the few philosophers who did address the condition of women's status: Plato, Jean-Jacques Rousseau, Charles Fourier, Saint-Simon, Thomas Hobbes, and John Stuart Mill. The various opinions these men presented had far reaching effects on the development of feminism—both negative, as in the case of Rousseau, and positive, as with John Stuart Mill. As a general rule, before the 19th Century the role of women was a topic that warranted no discussion. Throughout history, women have been considered subordinate to men in every manner—biologically, intellectually, and emotionally. The epigram of Rousseau: "Women are made for man's delight," roughly summarizes women's status in western civilization. The philosophers, such as Saint-Simon, who did address women's rights were considered avant-garde and even ridiculed. The classical liberal John Stuart Mill's *The Subjection of Women* was a landmark in providing an intellectual basis for improving the status of women.

Contemporary views of feminism and its rising influence in the twentieth century are explored in summaries discussing Simone de Beauvoir's *The Second Sex*, the cultural reaction to lesbianism, the representation of female protagonists in literature, and the political spectrum within feminism. Beauvoir searches out the reasons behind female acquiescence to male domination. She suggests women willingly agree to subordination, believing they are finding both economical and emotional security in their role as a subservient. Other summaries study the evolution of attitudes toward feminism in this century, particularly in literature and politics.

The final summaries discuss the opinion of the populace toward the role of women in modern society and the meaning of family and children. Research studies have detected a continued bias against the worth of women, despite the attention given to women's rights and freedoms. A study by Eulah Laucks on the value of children discovered a change in attitudes that is trending toward the importance of family life.

These articles cover a brief overview of subjects within the context of women's freedom, the reasons for the inferior status of women, and how the modern world is responding to the change of women's roles.

Hobbes and the Politicized Family

Gilbert Meilaender

"A Little Monarchy": Hobbes on the Family."
Thought 53(December 1978):401-415.

The family relationship as Thomas Hobbes conceives it is a political relationship, a "little monarchy." The family's purpose is to teach a Hobbesian sense of obligation to children, a virtue he considers to be the only means to overcome the alienation of human beings. The family gives rise to this obligation and teaches a child to obey his parents because of their protection and preservation of his life. "If the child wills its own preservation (as Hobbes thinks it surely must), and if it recognizes the family as an excellent institution by which to achieve that preservation, then it ought to obey the parent from whom it receives such protection. No other course of action would, Hobbes thinks, be reasonable."

The other duty of the child is to honor his parents. "The child should honor the parent out of gratitude for all the parent has done for him and also because he is presumed tacitly to have agreed to pay such honor for his enfranchisement [preservation]." Both obligation and gratitude are among the basic laws of nature (Hobbesian-style), all of which are grounded in the fundamental desire of men to successfully preserve their lives.

Meilaender criticizes this hypothesis as moral justification, stating these imperatives are "self"-regarding rather than "other"-regarding, and thus are not moral, but prudential. "Such a view of morality is, of course, based on preserving human existence rather than fulfilling human nature, and it finds only a calculating role for reason to play." The love, affection, and mutual acknowledgment—that is for many the chief purpose of the family—is ignored by Hobbes, and replaced with only the "virtues" of nourishment and preservation. "Rather, we may well contend that one of the shortcomings of Hobbes's theory is that he characterizes the institution of the family in political terms—and thus, misunderstands the political itself." To think of the family only in this regard is to miss the limits of politics, and misunderstand the very essence of why family life is



valued and the function it serves in human life. Hobbes values only political obligation; there are no other bonds or forms of community that can supercede this obligation. "He will not allow a loyal son to bend the knee to the gods of the hearth in preference to the gods of the city."

Meilaender concludes by stating Hobbes's conception of the family in political terms is invalid, because the purposes of the family differ from those of the state. The family exists to help the child grow into a fully developed human being, he says, and as a community in which love, affection, sacrifice, and mutual interests find a place in human affairs. To achieve these ends it need not have a place over the life and death of a child. "There is authority within the institution of the family, but it is not the authority of the civil sovereign."

Hobbes's *Leviathan*: Family and State

Richard Allen Chapman
University of Montana

"Leviathan Writ Small: Thomas Hobbes on the Family." *American Political Science Review* 69(March 1975):76-90.

Thomas Hobbes viewed the traditional family as a heuristic device to teach the basic principles of his theory of political science. Hobbes's analogy followed the growth and development of a child. A child's (i.e. citizen's) survival is dependent on the protection of his parents (i.e. government). Independence away from political authority is as fatal to a grown man as is the absurd idea of an infant free from parental dependence. Thus to Hobbes, authority is justified by necessity.

He reinforces his premise by stating that the family is essential to the political education of the state's citizens. Children will be amenable to sovereignty and obedience in the state because they have already been taught the principles on which it rests in the home.

Hobbes saw the nature of man as a selfishly individualistic animal at constant war with all other men. In a state of nature, men are entirely self-seeking and live out lives which are "nasty, brutish, and short." Only the fear of a violent death will motivate man to surrender their natural rights, and create a state of political sovereignty.

Thus the family is an institution created to curb the passions of man into reasonable and submissive behavior. Hobbes's political science rests on the belief that the family sovereign will be successful, as he ex-

pects a sovereign to be entirely successful. He sees a citizen's life as either of two extremes: either complete obedience to the power of the state, or given to the terrors of a violent state of nature. "He has linked paranoia with pacification in his conception of the education of the family." However, neither a sustained paranoia or a sustained pacification are very elevating styles of the human existence.

Despite its flaws, Hobbes's view of the family as a miniature version of the state is unique. If we accept Hobbes's premise that the family can be viewed in political terms, we can equally criticize it according to political values. By having the relationship between protection and obedience taught in the family, Hobbes makes it possible to humanize the state by teaching fairness, consent, respect for human dignity, and equality in the family.

For this reason, Hobbes's conception of family life in political terms seems theoretically sound. The questions Hobbes raises about the sovereignty of the father are not that of an anachronistic tradition of household authority; it is the problem of the modern state. Should the state imitate the more modern, democratic, egalitarian, and consensual nature of the family? Or should the state persevere in its former imitation of a patriarchal and authoritarian family model?

Plato on Women and Property

Susan Moller Okin
Brandeis University

"Philosopher Queens and Private Wives." *Philosophy & Public Affairs* 6(Summer 1977):345-369.

Plato's enigmatic ideas on women can only be understood in the light of his views on the role of private property. Plato seriously contradicts himself by initially de-

claring that woman is equal in status and capabilities to man, and that she should be raised exactly like man. His later writings, however, prove that Plato changed

his thinking on woman: she is to be viewed as the private property of man, having a different nature than man's, and considered only a "legal minor" in the government's eyes.

Plato's dialogue on the *Republic* describes the need to abolish private property, and thus the private family. This dissolves women's traditional role in society, freeing her to develop the talents and capabilities that had been previously suppressed. The difference between the sexes is reduced to their roles in procreation, thus the natures of man and woman become identical. Plato radically proposes education and lifestyle of men and women also to be identical. To achieve the good of this communal society, the abolition of traditional sex roles is more in accordance with nature than is the conventional adherence to them.

By contrast, in the *Laws*, Plato reinstates private property, requiring

monogamy and private households. Women are restored to the class of "private wives" (as the Greek society dictates), with all that this entails.

Plato does not actually change his statements about women's potential, in fact his beliefs on this subject are stronger in *Laws* than in *Republic*. However, because of the economic and social structure he has prescribed in *Laws*, he cannot carry out the revolution in the woman's role that would seem to follow his beliefs.

The difference between the two dialogues follows from the abolition of private property and the family, in the interest of unity in the *Republic*, and their reinstatement in the *Laws*. When a female is once again perceived as a privately owned appendage of a man with her function defined by the needs of her family, the socialization prescribed for her must ensure that her "nature" is shaped and preserved to fulfill this role.

Children and Family

Eulah C. Laucks

"The Meaning of Children in America." *The Center Magazine* 13(January-February 1980):6-14.

The meaning and value of children in contemporary society is often muddled by the trends and mores that characterize a current generation. Eulah Laucks's questionnaire survey aims to discover what kind of attitudes modern society reflects toward the purpose, importance, and role children play. Laucks sampling involved a fairly homogenous group of graduates from the University of California, with a wide variety of generations.

Her findings are surprisingly traditional; the plight of the American family is not as bleak as it may seem. Children are generally wanted and considered an important enhancement of a marriage. They are perceived as only slight hindrances to their parents' personal pursuits. Though Americans value a harmonious family life, attitudes toward the use of contraceptives, abortions, sterilization, and divorce are increasingly liberal.

In short, "opinions regarding family and children often are not matched by their actions."

Laucks evaluates the sexual revolution (which she believes began in the 1950s and ended in the 1970s) as a revolution against intimacy and vulnerability. Young men and women are "afraid to make commitments. Making a commitment which is deeper than just a casual one is considered a sign of one's own weakness."

"Many of the previous generations prized commitment at that age and sought involvement as a source of pleasure and satisfaction in life. Their children perceive a different truth: they believe that emotional involvement invites disaster."

Laucks concludes by stating that she determined parents still want their children, still value them, and still see that society needs some kind of family institutions.

J.S. Mill, Harriet Taylor, & Women

Evelyn L. Pugh

George Mason University

"John Stuart Mill, Harriet Taylor, and Women's Rights In America 1850-1873." *Canadian Journal of History* 13(December 1978):423-442.

John Stuart Mill is considered to have had the greatest single influence on the women's rights movement in the late nineteenth and early twentieth centuries. Through his works "The Enfranchisement of Women" and *SUBJECTION OF WOMEN*, he drew together the fragmented thoughts about equality of women into a cohesive, rational philosophy which provided a sound statement of principle for women's rights.

Mill did not emerge as the great champion of women's rights until 1867, when as a parliamentary leader in England he proposed an amendment to the Second Reform Bill to extend the franchise to women property-holders. His speeches and activities in Parliament gave increased status to the women's rights movement in both England and America. The essay "Enfranchisement," written by Mill and his wife Harriet Taylor, was immediately successful, widely quoted and circulated. This essay addressed the inequalities of the American political system in retard to the development of woman as a free individual. By the time *SUBJECTION OF WOMEN* was published in 1869, John Stuart Mill had become a household name.

The purpose of *SUBJECTION* was to analyze the development of traditional social and legal dependence of women upon men. Mill judged the subordination of one sex to the other to be the last remnant of a primitive state of slavery. Under the sanction of law, women are conditioned by cultural mandates to accept a dependent state. Any protest has always been considered unfeminine and unnatural.

More specifically, Mill claimed the family unit was the major factor in promulgating women's inferior status. The legal equality of married persons was the only remedy to begin the basic change in society towards the moral improvement of

humanity. He wrote that laws had to be changed in order for the relationship of marriage to change. He portrayed the "domestic tyranny" of some men: "he (the husband) can commit any atrocity except killing her, and if tolerably cautious, can do that without the danger of the legal penalty." He denounced the family as a "school of despotism," but felt that if it were justly constituted, it "would be a real school for the virtues of freedom." Until marriage fostered the daily cultivation of true freedom and equality, Mill could foresee little progress of those virtues in society.

Though Mill's book was considered to be a classic literary event in its time, most women leaders who were pursuing the specific legal rights were either disappointed or did not find it useful. The theme of the book dealt with an implicit assumption of the equality of the sexes. This was an unpalatable concept in 1869, even to women, particularly since Mill proclaimed the root of inequality was imbedded in the family.

In many ways Mill's vision for women in society was much larger than that of women themselves. Women addressed specific issues of equality: suffrage, education, and professional opportunities, whereas Mill dealt with the importance of complete equality.

By contrast, the essay "Enfranchisement," which Mill and Harriet Taylor didn't consider very good, was embraced by feminists immediately, whereas subjection of women had to wait 40 years until it was given its proper place in the role of equality of the sexes. In the early 1900's when equal rights were finally established, *Subjection of Women*, considered the "greatest single factor in the change," came to be referred to as the "Bible of Feminism."

Varieties of Feminism

William T. Blackstone
University of Georgia

"Freedom and Women." *Ethics* 85(April 1975):243-248.

The "women's liberation movement" is a misnomer, as it suggests a unified philosophy and strategy of feminists pursuing social and political equality. In actuality, the movement contains a myriad of divergent views of political philosophy.

William T. Blackstone analyzes these views into four basic positions within the feminist movement. (1) The traditionalist stance should hardly be classified as a feminist position, but it constitutes one of the parameters on this issue. The traditionalist believes that women are different from men, and interprets this difference as one of inferiority. Women are passive, submissive, and destined to perform certain roles. Sex stereotyping in opportunities and roles is not oppressive, but actually necessary to fulfill women's nature and to achieve family and social cohesion. True freedom and equality for women are found within these restrictions, and the state should not interfere with natural conventions in any way.

(2) The liberal feminist contends that social injustices do exist because of sex-role stereotyping, and that political and social reforms should be adopted to correct these maladies. However, the liberal does not require abolishing all traditional sex-roles or family values. Women, just as men, should be judged as individuals and on their ability.

(3) The radical feminist argues that freedom and equality of women is possible only with the complete overthrow of the political system. The "political system" is interpreted in very broad terms and the institution of marriage is judged as a political creation. The options of marriage and a family must then be dissolved since these maintain the oppression of women.

For the radical, the only valid method of reversing inequalities must be a complete eradication of the capitalist system. "In a society in which money determines

value, women are a group who work outside the money economy. Their work is not worth money, is therefore valueless, is therefore not even real work," states Margaret Bengsten, a radical leftist feminist.

(4) Radical feminists who do not adhere to Marxism must also be given a place on the spectrum. This sub-movement believes oppression of women extends beyond economic and class struggles, but to biological differences of physical strength. Liberation for women is possible only by overcoming the "weakness" of females by technology. True freedom requires the abolition of the whole sex-role system (including childbearing, marriage, and the family). Contraception and "artificial reproduction" will free women from their biological inequalities, and thus from their political and social inequalities.

In his conclusion, Blackstone chooses to examine the more philosophically controversial stance of the extreme radical feminist movement. He argues the falsehood of the presupposition that childbearing is a restraint. "In our world, the key factors responsible for oppression are not biological traits but social, economic, political, and legal options or choices . . . if freedom could be purchased only at the cost of one's sexuality—this would be a terrible price to pay. Rather than desexualize or asexualize our world through technology (if indeed this is possible), we need to change social and legal systems which discriminate irrelevantly on the basis of sex."

The position of the radical feminist thesis regarding "freedom from sexual classification altogether" is unrealistic, says Blackstone. There is no possible way to rule out differential treatment with respect to gender, because one can not determine if all the facts, characteristics, or circumstances are independent of gender.

Thirdly, Blackstone contends the stance

that freedom for women requires utter abolition of the traditional roles of marriage and family is mistaken. There is no doubt that these institutions have oppressed women and continue to do so, he states, but a free society must allow the traditional roles for women as a possible option. By precluding them, (if technology ever permitted mass artificial reproduction, etc.) the ruling out of traditional options decreases freedom to that extent. "Marriage and role divisions within marriage are not inherently exploitive and oppressive, though they may be oppressive if predicated on psychological, social, and economic oppression, and exploitation."

Thus, Blackstone suggests, there is no necessary conflict between freedom to choose from a range of options, including traditional roles, and equality or social justice for women.



Rousseau's Anti-feminism

Susan Mollier Okin

"Rousseau's Natural Woman." *The Journal of Politics* 41(1979):393-416.

As a rule, women were generally ignored in political philosophy of the eighteenth and nineteenth century. Jean-Jacque Rousseau, one of the few philosophers who discussed women in his writings, reflected the general patriarchal bias of political theorists.

Rousseau claimed that patriarchy is a necessary basis of human society. He considered the family to be a natural state of nature, and within that institution must be one final authority—the dominant male.

Thus the socialization and education of women should be based on the principles that women were created solely to please man and to be subjected to him. The natural woman has inborn characteristics of shame and modesty, and a desire for servility. She should be only what her "husband expects her to be," and behave asex-

ually toward all other men.

The problems with Rousseau's conception are that he creates a total dilemma for the woman: she has no chance to be an individual, much less a citizen. Contrary to his views of men, Rousseau neglects to recognize how women have been warped and limited by the socialization and cultural context they have been subjected to throughout their lives. Ironically, Rousseau felt that although the nurturing of intellect and reason is necessary for men, these qualities are innate in women and thus unnecessary to teach.

The purpose of studying Rousseau's conception of women is not for the benefits of his anti-feminist stance, but rather to understand a controlling paradigm and mentality of the eighteenth and nineteenth century in exploring the situation of women.

The Roots of Rousseau's Anti-feminism

Victor G. Wexler

"'Made for Man's Delight': Rousseau as Anti-feminist." *The American Historical Review* 81(April 1976):266-291.

The reactionary stand of Jean-Jacque Rousseau's anti-feminist philosophy has been considered a major influence in retarding women's rights in the late eighteenth century. Rousseau has generally been interpreted as a classical chauvinist from his writings, particularly from his earnest epigram, "Woman is made for man's delight."

Wexler reevaluates this conception by examining Rousseau's novels and autobiographical work, revealing the personal life of Rousseau to be rooted in an overwhelming fear of women. Rousseau was never capable of sustaining an intimate and sexual relationship with a woman he both loved and esteemed. He regarded emotional stability as the greatest value in contemporary society, a value he felt women inherited intrinsically. "Their (women) strength came from their indifference to sexual pleasure, which allowed them to govern what Rousseau believed was the passion-dominated sex."

Rousseau's personal life was marked with tragedy. His mother died the week after his birth, his indifferent father abandoned him at age ten. His body was deformed because of a painful urinary disorder,

and by age twelve he showed signs of psychological maladjustment by experiencing sexual pleasure through sado-masochism.

It has long been contended that Rousseau demonstrated the symptoms of latent homosexuality. "Not only his paranoia, but his sexual passivity, his reference to himself as effeminate, and the fact that he took the place of his mother in his father's affections . . . tend to support this contention."

Far too aware of the power women had over his emotional stability, Rousseau extended his experience on a universal level for all humanity. In his conception women are already educated with natural qualities of rationality that men must strive for years to achieve. Thus, he contended, women must not be allowed to be educated, or to compete outside the realm of motherhood. A world dominated by women would create havoc and disharmony in society, crippling men into a degenerated state.

Wexler concludes that what students of Rousseau have interpreted as a traditional stance of anti-feminism must be understood in the full context of his ideas, experiences, and personal life-style.

Feminism, the Saint-Simonians & Fourier

Elizabeth C. Altman

"The Philosophical Bases of Feminism: The Feminist Doctrines of the Saint-Simonians and Charles Fourier." *Philosophical Forum* 7(Spring 1976):277-293.

The feminist doctrine of Saint-Simon (1760-1825) has been extended and distorted by his disciple, Prosper Enfantin (1796-1864), and thus has been considered somewhat of a mockery. However, the ac-

tual basis of his doctrine was a radical precept of modern day feminism.

Saint-Simon developed his world view in the aftermath of the great Protestant and French revolutions, when abrupt

changes in social customs brought an age of optimism to a constricted civilization. Saint-Simon saw this new age as the opening of an "organic" period of harmony and productivity; a new society unified by a motivating purpose where work becomes a virtue in itself. With this development, women (like all citizens) should be given the opportunity to develop their capacities beyond their traditional roles as domestics.

From this suggestive legacy, Enfantin created a new doctrine whereby the stereotyped feminine characteristics of love and affection—generally considered non-essential skills to survival—became the foundation of his system for reorganizing society. The couple *prêtre* Pere and Mere would serve as the earthly representatives of an androgynous God, ruling over the morality of the future age.

Enfantin espoused the emancipation of women as the only method to inaugurate this new era of history based on love, cooperation, and production. This movement was shocking to this age, but did awaken interest in the emancipation of the working class, and particularly in the liberation of women.

Charles Fourier (1772–1837), considered the first renowned feminist, advocated the absolute equality of the sexes in moral behavior as well as political. Fourier was not particularly sympathetic to women and their plight, but based his liberating philosophy on the call of God towards a cosmic, harmonic balance. Fourier described true individual liberty as the full development and satisfaction of all the "passions" (opulence, truth, harmony, etc.) which he saw as reflections of God's nature.

The philosophies of Saint-Simonians and Charles Fourier did not advocate egalitarianism, but they did agree that all individuals should have the opportunity to develop their unique talents and capacities. Both sought firmer grounds than natural rights arguments to justify the emancipation of women.

Saint-Simonians saw the necessity of the "new morality" to usher in an age of "peace & plenty." This change would be automatically instigated by the nature of women in their properly esteemed place in society.

Fourier sought harmonic equilibrium, and viewed women as a force of passionate attraction in this reorganized society.

On a practical level, the goals of both doctrines were concerned with producing material abundance necessary for the greatest happiness and health of all members of society. Secondly, they sought to make the conditions of labor more satisfying for the workers.

Two unique points of Fourierism and Saint-Simonianism are that they both declared a need for the radical transformation of society through education and natural wealth, rather than revolutionary means. Secondly, the emancipation of women was placed as the very center of their doctrines.



Woman's Power and Weakness in Literature

Nina Auerbach

"Women on Women's Destiny: Maturity as Penance."
Massachusetts Review 20(1979):326-334.

Ironically, female writers have built a literary tradition far more stifling to womanhood than have male writers who create female protagonists. Women novelists have tended to cast a lugubrious and punitive shadow over the lives of their heroines, while male writers often invest their female characters with a sense of power and option, despite their personal view of woman's worth.

The literary image of the rebellious Victorian woman has the protagonist struggling furiously with the social mandates of her time, yet she gives away her power by submitting to a penitential marriage which subdues her to conformity. Jo March of *Little Women* (written by Louisa May Alcott), and Dorothea Brooke of *Middlemarch* (by George Eliot) are classical examples of creative, vibrant women

who accept their inevitable defeat (marriage), thus relinquishing their potency. The consummation becomes a punishment and their life becomes streaked with tragedy. Rarely do women writers endow their heroines with a resilience toward re-birth. "They are doomed to grow up and to leave the stage."

Modern literature is changing from the trend of female sacrificial victims, to rejecting romance and love altogether in favor of maintaining woman's strength.

Auerbach concludes that the problem of women's literature is how strictly it adheres to an exclusive female context. "In excluding male visions from its canon, it may also be dismissing a faith in growth, freedom, and fun, of which women's worlds, in literature at any rate, are in general sadly deprived."

Lesbianism vs. Cultural Oppression

Blanche Wiesen Cook

"Women Alone Stir My Imagination": Lesbianism and the Cultural Tradition." *Signs: Journal of Women in Culture and Society* 4(1979):718-739.

As history tends to bury what it seeks to reject, lesbian literature has been trivialized, ignored and denied in the past fifty years. In this article, Blanche Wiesen Cook explores the prejudice against women authors such as Virginia Woolf, Gertrude Stein, and Alice Toklas because of their sexual preferences.

Cook describes the attitudes which lesbian feminist works rebelled against: attitudes that refuse to permit women to survive except in relation with, and in service to, men. Lesbians have been misconceived and cruelly stereotyped as passionate, distraught women destined to tragedy, abuse, and abandonment. "Denied access to an accurate historical record [of individual lesbians], we knew only that our forefathers wore neckties, and committed suicide.

Modeled on a culture that celebrated only tough men and fey women, 'butch' and 'femme,' lesbian culture was not an egalitarian feminist society. Moreover, it existed only at night."

In reality, "They wrote books about passionate little girls, death, and abandonment." *Olivia* (1949) by Dorothy Stacey Bussy, is an excellent example of this genre. Virginia Woolf's novelistic themes of social criticism and sexual politics have largely passed unnoticed. Instead, her editors (Nigel Nicolson and Quentin Bell) have emphasized her insanity, her alleged sexual frigidity and have classified the politics of her later years as ill-informed, naïve, and dangerous to the state in wartime. Cook insists that to understand Virginia Woolf is to see the abid-

ing anguish in her life "... against a male-defined world that denied her access to the Cambridge education reserved for her brothers; against a male-defined world that sat in judgment, as it continues to sit, upon her every vision, her every word."

Lesbian love has been presented as joyless, turgid, maudlin, and shameful. Lovat Dickson's book *Radclyffe Hall at the Well of Loneliness* dangerously reinforced the stereotype of lesbianism. Dickson defines a lesbian as "more man than girl," and separates physical sex from any kind of emotional feeling.

Cook concludes saying, "Dangerous bigotry and a cruel foolishness ... are still

capable of wrecking joy, depriving people of job security, severing mother from child." The issue, she says, is not really lesbianism. "What our dominant society so fundamentally opposes is women's independent access to our own erotic power." This "erotic power"—defined here as "love in all its aspects—born of chaos and personifying creative power and harmony. . . . an assertion of the life-force of women . . ." Independent, life-affirming, women-loving women so empowered are dangerous, says Cook, but such empowered women may look forward to a future both feminist and classless.

Woman's Fear of Freedom

Dorothy Kaufmann McCall

"Simone de Beauvoir, *The Second Sex*, and Jean-Paul Sartre." *Signs: Journal of Women in Culture and Society* 5(1979):209–223.

In *The Second Sex*, Simone de Beauvoir defends Sartre's justification for the oppression of women by suggesting that women choose this oppression. Her thesis is not to understand why some women reject the limitations which contemporary culture has placed on them, rather why most women accept them.

"Femininity is an active pursuit of a passive function . . ." she writes, "one becomes a woman. Civilization describes femininity [so that] a woman has no nature, only a history."

Extending Sartre's view that individual freedom is both desired and feared, Beauvoir suggests women accept the role of being inferior and subordinate out of the illusion that this will bring absolute security, both economic and emotional. She may deny herself opportunities of freedom transcendence, but she is also safe from their hazards.

The Second Sex concludes with a utopian vision of "the couple." Sartre has described every man as dreaming of being

God; Beauvoir portrays every woman dreaming to be His Beloved. "Denied the transcendence of action and adventure offered to the male, she seeks transcendence by losing herself in a man who represents the essential which she cannot be for herself. Unlike man, woman's greatest temptation is to seek that necessity through the love of a male on whom she confers supremacy."

Yet whatever his dream or hers, man is not God. Beauvoir's woman of love inevitably finds herself caught in a maze of contradictions. When the reality of her lover's humanness confronts her, *l'amoureuse* feels betrayed. "A fallen god is not a man, he is a fraud." Yet if his prestige remains intact and she accepts her role as inferior, she loses her individual essence. If abandoned by the man she loves, *l'amoureuse* is not only left with nothing, but in her own eyes she is nothing.

Beauvoir's warning to women is clear, love cannot be an absolute. "When woman, fully the equal of man, can love in her

strength and not in her weakness, love will become for her as for man a source of life and not of mortal danger."

Beauvoir speaks directly from her own experience of temptation of the "love-religion" with Sartre. Both Beauvoir and Sartre shared by temperament a passionate need for absolutes and an equally passionate disdain for them. Beauvoir's personal and unresolved struggle for liberation from this self-imposed oppression from the status of second sex is the underlying motivation for this explicit philosophical theory.



Antifeminism in Political Science

Judith Evans

"Attitudes to Women in American Political Science."
Government and Opposition 15, no. 1 (Winter 1980):101-114.

The last decade has witnessed a dramatic rise in the women's movement together with a widespread concern for the economic, social, and political status of women. Despite a large amount of legislation being designed to promote equality between the sexes, a recent study disclosed that there is a definite continued male bias in the field of political science towards the higher status of women.

These findings state that women are not just being misrepresented, they are discriminated against. Women have little to no political clout, and have never been seriously considered as possible holders of political powers. Though women as a gender are considered apolitical, the article defends the reasons for that attitude. "Women have never been truly educated, and historically never taught to *need* the specialized knowledge given to men. Women are regarded as second-class citizens, trained, channelled and moulded into 'women' first and 'citizens' second. Women have been systematically socialized towards the private realm . . . the schools, by preaching pluralism, suggest that the political world is theirs for the taking, and so, that it is their choice, if

they do not."

Evans adds that political scientists are committed to the "eternal feminine." Women's "interests" such as abortion, childcare, and food prices, are generally ignored by political parties. Women's political opinions are excluded from any serious study, or when included, male bias is said directly to affect the conduct, findings, and conclusions of research in political science.

"Political scientists are the agents of a male domination that pervades the polity." The most difficult problem women confront is the interpretation of research: "in accordance with mistaken—and some would say insulting—views of women; it should be obvious this leads to bad political science."

Evan's critique of various views on this subject are intended to raise our awareness to the existence of an intellectual bias in academia and politics with relevance beyond the field of political science, and to suggest other alternatives to the attitude that "politics is a man's world . . . [and that] political science as a discipline tends to keep it that way."

Women in the Social Sciences

Louise A. Tilly

The University of Michigan

"The Social Sciences and the Study of Women: A Review Article." *Comparative Studies in Sociology and History* 20(1978):163-173.

The problem of women's roles, power and status, past and present, in our own and other cultures, is being addressed more completely by several disciplines in the social sciences. Tilly's review of a few contemporary books on this subject gives a fuller understanding of women's roles across culture and history.

Stanley Lemon's *The Woman Citizen* (1973) studies pre-women's suffrage data on history of the political parties and pressure groups which influenced the women's movement. His findings link feminists' social activities to the ideas of the pre-First World War Progressivism, and show the later significance of growing women's rights in the New Deal. Using census statistics to establish the structure of women's occupations, Lemon gives a more social and economic background to this political appraisal.

Lee Holcombe's *Victorian Ladies at Work* (1973) describes the growth of "middle-class female occupations, such as teaching, nursing, office work, and civil service in the late 1880s. She explores the reasons for the changes from blue-collar jobs: a greater supply of single women, and the boom of the industrial age increasing business opportunities for women.

Women, Culture, and Society (1974), edited by Michelle Z. Rosaldo and Louise Lamphere, studies how various cultures have responded to women. Three universal traits were determined: that all contemporary societies are to some extent male-dominated; that sexual inequality is presently a fact of the human social life; and that reproduction and child-bearing is a central fact of women's lives.

The editors denied any evidence of biological determinism in developing a cultural order among genders, stating rather that behavior roles are consequences of the interaction between biological givens and social patterns. They did, however, trace the universal subordina-

tion of women to the "fact" that child-bearing and rearing is the primary social activity of women. As long as the domestic sphere remains primarily female, the authors conclude, public power will elude women.

Tilly delves deeper into other research on the subject of women in society, and describes the common thesis that the search for "power" is the major concern of recent articles. Women are not the passive creatures submitting to men's control over them. Rather, they are political and social actors seeking to maximize their power through the resources at their command; such resources lie mostly in their own domestic sphere.

The collection of information that is being researched and compiled is perhaps not yet significant in its findings, but it does prove the study of women's lives and social relationships add a dimension to the social sciences that has been sorely neglected. □



IV

Culture, Humanities, and Freedom

The relationship between culture and the humanities, on the one hand, and freedom in the personal and social sense is intimate and pervasive. The poet Shelley celebrated the liberating and transformative power of imaginative art in the human psyche and acknowledged the artist as the true "legislator" of human values and politics. The insightful poet-mystic, William Blake, gave as a paradoxical apothegm, "Empire Follows Art & Not Vice Versa as Englishmen Suppose," which exposed his deep distrust of direct political activity and his awareness of the social influence of art, literature, and the humanities in general.

In German, cultural history is revealingly termed *Geistesgeschichte* or history of the psyche. The psyche, the self as seat of human awareness, is the focal point not merely of human artistic expression, but also of the experience of human freedom. In a crucial sense freedom expresses itself most immediately in self-awareness and the self-responsibility to choose our personal values and our evaluation of our self and our relation to the world. The alternative to *free* choice is imprisonment to habit-like values and ideas, not of our choosing, which control us. The imaginative arts, by providing our consciousness with alternatives or reinforcing visions of reality awaken our awareness to deeper self-knowledge and arouse our minds to question our given set of values. What David Meltzer (*The San Francisco Poets* (1971), p. 4) says of poets may be extended to the liberating effect of all higher art: "The poet can give you new sight, new insight. His poem provides passage through thoughts & perception in order for you to see through the veils & know new meanings.

The poet is a revolutionary because he is constantly subverting corrupt institutional languages with his art. He can make the life-denying rhetoric of power politics void by singing one coherent, true song. The words connect in a man so that he stops & thinks."

Each of the following summaries show directly or indirectly the challenge to conventional values or ideas in ethics or politics. Thus, the Schaefer summary shows how the questioning essay of Montaigne ("On Cruelty") challenges the entire orientation of classical ethics with the alternative liberal values of earthly happiness and modernity. As Goldsmith's summary points out, Mandeville carries forward Montaigne's endorsement of the goodness of natural enjoyment and work and thereby rehabilitates the nature of careers in commercial and financial capitalism as vacating. Each of the remaining summaries deals with the vital issue of personal or political human freedom and the different cultural premises that support either freedom and servitude.

Montaigne: the Virtues of Modernity.

David Lewis Schaefer
Holy Cross College

"The Good, the Beautiful, and the Useful: Montaigne's Transvaluation of Values." *The American Political Science Review* 73(March 1979):139-154.

Scholars have failed to appreciate the *Essays* of Montaigne (1533-1592) as a major work in the political philosophy of modernity. They neglect the political dimension of the *Essays* in the erroneous belief that Montaigne's thought is too unsystematic to expound a consistent political teaching. The popular interpretation of the *Essays* sees Montaigne's evolution from respect for classical learning and stoic virtue, through a "skeptical crisis," to an "Epicurean" attitude of tolerant hedonism.

Schaefer challenges the dominant interpretation of Montaigne by analyzing his subtle criticism of classical "heroic" moral virtue, especially concentrating on Montaigne's essay "Of Cruelty" (*Essays* II, XI). The seeming disunity of that essay actually conceals a carefully worked out political thought. Montaigne's political intention is to challenge the classical understanding of morality and virtue and to replace it with a less demanding and more humane view of humanity. Montaigne seeks to revolutionize our understanding of morality and its relationship to politics. He would replace the classical morality based on "beauty" (requiring man to strive for some rigorous "divine" nature) by one of "utility" (requiring man to see his needs as similar to those of natural animals). This "transvaluation of values" is part of the foundations of "bourgeois" morality which characterizes modern liberal regimes. Montaigne's moral-political teaching has led to the "secularist, egalitarian politics of modernity."

Montaigne's "On Cruelty" is an extensive critique of classical morality in its questioning of the nobility of Cato's masochistic love of painful virtue, its horror at the cruelty practiced by Roman ty-

rants, its objection to the practice of torture by church and state authorities, and its encouragement of gentleness to fellow humans and even towards other animals. Montaigne's disparages the heroic classical virtue whose aim of surpassing God turns man's heart into a cruel, callous sensibility. It is more salutary to recognize mankind's kinship to the beasts and to practice kindly terrestrial virtues. People admire the cruel virtue of Cato because of its "beauty," which leads humanity to elevate itself self-destructively above the animal to the godlike. But is this otherworldly "beauty" of the soul the proper criteria for judging human conduct? Judgments of heavenly beauty are less reliable than judgments of earthly, human utility.

The root of these irrational and unscientific deficiencies in political life stems from classical morality's perverse identification of the good with the (trans-human) beautiful and its equally perverse disjunction between the good and the useful. By contrast: Montaigne approves the humanly useful as just, honorable, and good. He rejects the morality and political philosophy "that demands the entire subordination of the private interest to the alleged public good, and that in fact results in the sacrifices of other people's interests to those of the wicked." Man's virtue should be useful to his earthly interests and enjoyment of the present pleasures of life. His transvaluation of values would approve of tolerance, moderation, honesty, compassion, the abhorrence of cruelty, and a disinclination to meddle in other persons' affairs. He preaches "selfishness" and indulgence in the bodily pleasures that privatize human beings and prevent them from aspiring beyond our natural concerns and utility.

Mandeville: the Culture & Virtue of Capitalism

M.M. Goldsmith
University of Exeter

"Mandeville and the Spirit of Capitalism." *The Journal of British Studies* 17(Fall 1977):63-81.

Bernard de Mandeville (1670-1733) pioneered in rehabilitating the negative moral image of capitalist money-making and thus contributed to the emergent culture of commercial modernity. Mandeville invented the positive moral and literary image of the man who enjoys the vocation of business and acquiring wealth in order to combat and satirize the "self-righteous censoriousness" of the prevalent ideology of "public virtue," especially the version of that 'virtue vs. commerce' ideology expressed in early eighteenth century England in Richard Steele's *Tatler* papers. Mandeville's literary characters in the *Female Tatler* show that the pursuit of money-making is a moral and satisfying way of life which contributes to the general good of all. To oppose those who would "prescribe Rules of Happiness to every body else," Mandeville invented and commended the "spirit of capitalism" and thereby helped to achieve a morally sympathetic hearing for commercial capitalism.

Most of the institutions of a commercial state capitalist economy—banks, stock market, credit financing, and a public debt—were introduced in England during the decade following the Glorious Revolution of 1688. The Bank of England, founded in 1694, was used not only to enlarge private commercial activity but also for public financing of King Williams' and Queen Anne's 19 years of wars between 1689-1714. Representatives of the older republican tradition of civic virtue opposed indiscriminately the cultural effects of the state war economy and stock-jobbing, as well as private money-making that were all mixed up in the hybrid public-private financial revolution. Thus the Tory Steele in his *Tatler* papers of 1709, Addison in the *Spectator* papers of 1711, and Swift in the *Examiner* attacked without distinctions the "moneyed interest" which they believed led to moral corrup-



tion rather than public virtue because of a lack of gentlemanly aristocratic virtues.

Against such opponents of the hybrid spirit of pub-private commercial modernity Mandeville wrote his *Fable of the Bees* in 1714. Although Mandeville's specifically economic views were more mercantilist than laissez-faire, he notably endorsed and promoted the general spirit of capitalism. Mandeville openly delighted in trade and demonstrated the public benefits of such private so-called "vices" as luxury and money-making. In 1710, four years before his *Fable of the Bees*, Mandeville had defended the same spirit of capitalism as a respectable way of life in his *Female Tatler*. Thus, in the *Female Tatler* of 15 March 1710, the old merchant Laborio is sympathetically portrayed as one whose whole life is devoted to business and money-getting. In another issue of the *Female Tatler*, Mandeville depicts Urbano, who resembles Laborio, as a happy, respected commercial capitalist, one who "minds only himself, and lets every body else do as they please." Mandeville urges his readers to relinquish the censoriousness and bias against money-making held by the civic virtue ideologists who pretended to have a monopoly on virtue and public spirit.

Melville on Slavery

M.E. Grenander

State University of New York at Albany

"Benito Cereno and Legal Oppression: A Szaszian Interpretation." *Journal of Libertarian Studies* 2, no. 4 (Winter 1978):337-342.

We can illuminate the meaning of Herman Melville's novella on the evils of slavery, *Benito Cereno* (1855), by considering Dr. Thomas Szasz's insights on various forms of legal oppression, particularly his insights on American slavery and its "Psychological consequences for slave, slaveholder, and abolitionist."

Melville dared to write *Benito Cereno* a decade before the Civil War to confront its audience with the realities of the legally and socially approved institution of slavery. The plot turns slavery upside down and depicts whites, for a time, as slaves of a band of African slaves. Transported as chattel on a South American slaver, *San Dominick*, the blacks have successfully mutinied, killed some whites, and now hold others hostage. The Chilean captain, Dom Benito Cereno, had previously and uncritically taken slavery for granted. His own reversed role as a helpless slave forces him to confront the true horror of human slavery. The black mutineers are eventually quelled but Cereno's awakened psyche cannot now live with the moral outrage of human bondage and he wastes away.

The story depicts the nominally legal institution of slavery as a betrayal of humanity. The slaves commit the social crimes of mutiny and murder under their skillful leader Babo, but the society they threaten is one that has immorally institutionalized their oppression. Whereas Cereno comes to recognize the true evil of slavery, his foil, Captain Delano, blinded by a shallow optimism, fails to perceive the

nature of Cereno's moral distress after his rescue.

Dr. Szasz's writings on human oppression help us understand the characters of the complaisant Captain Delano, the morally awakened Captain Cereno, and the slave Babo. Protected by a paternalistic justification for slavery, Delano indulges the slave master's comforting stereotypes of the "merry Negro slave, happy in his bondage." He is unconcerned with the ethical issue since the blacks seem a sub-human species. Bolstering the "normality" of such oppression are the legitimization given by economics and government laws protecting slavery.

Yet the master must live in constant fear of violence and revolt from such slaves as Babo. Perceiving his slavery as an oppressive relationship, Babo feels an obligation to revolt and emancipate himself and his fellows. To avoid internalizing his own degradation, the slave Babo is driven to plot a cruel revenge against his "master." Evil institutions can pervert the ethical standards of even good men.

Melville's *Benito Cereno* resembles Ken Kesey's *One Flew Over the Cuckoo's Nest* since both have the courage to attack strongly established legal oppression. Kesey's novel indicts an often ignored modern version of slavery, the involuntary incarceration of mental patients by institutional psychiatry. Dr. Szasz allows us to be more sensitive to forms of legal oppression that continue to enslave humans today.

Melville and America: 1848

Michael Rogin

"Herman Melville: State, Civil Society, and the American 1848." *The Yale Review* 69(Autumn 1979):72-88.

America in the nineteenth century suffered the dilemma of social and political

inequality similar to that of feudal Europe, where the bourgeoisie faced the

threat of social revolution. American destiny, with its continental expansion, had evolved from a pursuit of liberty and independence to economic prosperity. American society was becoming torn between a sentimental culture rooted in familism and egalitarianism, and marketplace imperatives which violated that sentiment.

The protracted social conflicts were finally addressed in Europe by Karl Marx; in America by Herman Melville.

Melville's artistry attempts to weave various strands of meaning and value into the human condition, in a world where those values can have no ultimate stability. Melville used poignant symbolism to depict contemporary social issues in his prose.

Melville's writings address the complexities of the human condition in the conflicts between self and society, free will and necessity, faith and doubt. In his masterpiece, *Moby Dick*, the white whale becomes a unifying symbol of meaning and contradiction. The whale typifies a myriad of ambiguities: colossal power and mildness, tumultuous fury and awesome beauty. The whale is a paradoxical symbol of all good and all evil, depending upon its viewers' subjectivity, much like the paradox Melville perceived in the United States. In 1848 America was a country founded on the pursuit of liberty and civil rights, yet it had recently absorbed half of Mexico and continued to practice chattel slavery.

Melville concerned himself not solely with the emancipation from racial slavery, but also with the philosophic question of liberation from authority. For Melville, the victory of capitalism over slavery merely replaced the "whip" with the "wall."

The politics of Wall Street erected not only separating walls between family and work, but also isolated men from meaning in their work, and trapped them within an unresponsive hierarchy by impersonal authority. The failure of politics to remove social flaws consigned Melville's character, the worker Bartleby the Scrivener, to a slow death of alienation from humanity and meaning. His passive resistance, expressed in his phrase, "I prefer not to," thwarted his employer's cosmetic attempts to restore human bonds to the relationship of worker and employer.

Karl Marx found his hope for humanity in the working class, who he felt could eventually actualize the potential of the state to solve social problems. Unable to conceive of such social transformation, Herman Melville discovered his kind of political renewal in the Civil War, where the state returned to its primacy over civil contradictions. Fathers and Sons of the new Union became painfully reconciled, symbolized by the newly constructed "Iron Dome" of the Capitol Building. The "Iron Dome," Melville wrote, "would be stronger for stress and strain."

Prometheus, Love, and Liberty

Roland A. Duerksen
Miami University

"Shelley's Prometheus: Destroyer and Preserver."
Studies in English Literature 18 (Fall 1978):625-638.



Prometheus Unbound (1819), the romantic poet Shelley's lyrical drama, treats the themes of human perfectibility and freedom from force and tyranny achieved through the principle of love. In the four acts of his drama, Shelley declares "that nothing less than an unwavering, creatively imaginative concept of suffering, forgiveness, defiance of power, love, endurance, and hope can make humanity

'Good, great, and joyous, beautiful and free.'"

Prometheus, for Shelley, is not a god or power outside mankind or outside the individual; he symbolizes, rather, the creative soul and highest potential of the human intellect and imagination latent within each person and within society. Yet at the drama's opening, this symbol of man's potential and freedom finds himself, through his own fault, chained and tortured by the tyrant god Zeus, who represents violence, hate, vengeance, and the power principle. Prometheus' unfree condition is the result of his unloving, vengeful, violent and cursing response to Jupiter's despotism. "Before he can be prepared to reanimate and preserve his imaginative creativity implicit in his reunion with Asia, Prometheus must recognize the need to destroy within himself the calculation-violence-power complex that has for so long motivated him." Shelley's personal, social, and political revolutionary process seeks to attain a new order of human existence based on love by exposing the essential identity of repressive violence and self-interested calculation.

It is only by Prometheus' lovingly casting off his own "power- and vengeance-oriented principles" that he and mankind can break out of the cycle of hate and re-

venge. The human potential is in chains of hate that are of its own forging. Love and the new justice have nothing to do with cursing, vengeance, and power. This requires renouncing rationalistic retributive justice. Likewise the vision of Prometheus' ability to liberate his potential rejects the "Puritan-Calvinistic notion of fallen man" forever condemned to suffering and subjugation by his very nature. Regeneration, freedom, and creativity are realizable if man chooses the principle of life-sustaining love against the death-principle of hatred, power, and violence. "The radicalism in this new approach is its quite clearly allowing for no participation in wars, assassinations, and executions — and for the presence of no prisons, legal property rights, social and racial class systems, political power blocks, or any other personal or societal concepts that are based on the principle of calculation."

The political and personal liberation of mankind requires a mental and moral revolution to usher in a society of love and an order of "universal benign anarchy." Shelley's ideal of this creative revolution remains an open option for each human Prometheus to choose by transforming himself through a dedication to love and forgiveness.

Blake's America: Liberation & Art

David E. James

University of California, Riverside

"Angels out of the Sun: Art, Religion, and Politics in Blake's *America*." *Studies in Romanticism* 18 (Summer 1979):235–252.

In the early 1790s the English artist, seer, and radical poet, William Blake (1757-1827), wrote two poems about the revolutions of his day, *The French Revolution* and *America*. *America* is Blake's "most vehement political statement" in looking forward to a revolutionary renewal of English society. Though a difficult, symbolic poem, *America* is intended to perform a moral and social func-

tion in its art. In common with the romantic poet Shelley, Blake believed that "radical social transformation can be produced by the visionary renovation of consciousness." Some critics, however, criticize the manner in which Blake's mystical and literary flights make social and historical allusions in *America* difficult to identify and write off Blake's mannerisms as a "retreat from realism" or "fear of persecu-

tion." But this prosaic criticism "assumes that Blake saw history in the way that we do, and consequently, it presents Blake's choice between making art and writing history as an absolute one."

Blake's view of history, however, differs from the prosaic mind which follows an ontological dualism that separates spirit from matter. Blake, living in a culture that discussed history and politics in moralistic and Biblical terms inherited from the English Civil War, "viewed the American Revolution as a sort of mass resurrection or secular apocalypse that would overthrow poverty and cruelty and establish a New Eden." Blake's holistic vision of reality did not distinguish between spiritual (artistic) truth and events in political history. In fact Blake's *America* reveals that he was "literal" in seeing the American Revolution in terms of Biblical apocalypse and in viewing "political history as the outward sign of the impending Millennium." Blake's chiliastic expectations were awakened by the crises in morals, religion, and government that derived from the seventeenth century millenarian tradition of radical English Puritan dissent which hoped to realize politically "the kingdom without" based religiously on "the kingdom within." For Blake this tradition rejected any bifurcation of human experience into soul (good) and body (evil) or into spiritual and political revolution. In *America*, Blake identifies the con-

ventionally separate realms of religion and politics and sees institutionalized religion as related to political tyranny.

Resembling *The Marriage of Heaven and Hell*, Blake's *America* identifies political liberation in eschatological terms and treats several levels of liberation from tyranny: "legal (the slave will be freed); personal (the 'inchaind soul' will rise); and international ('Empire is no more')." In *America*, Blake's holistic vision sees political, social, and psychological events as arising from a spiritual reality. Thus by absorbing material history into his spiritual perspective, *America's* historical character George Washington and the metaphorical Orc co-exist as ontological equals.

Blake has transformed his source (Joel Barlow's 1787 edition of *The Vision of Columbus*) because his intention in *America* is not to write material history but "metaphysical history." "Blake sacrifices fidelity to details of the military and diplomatic maneuvers" of the American Revolution to achieve a deeper analysis of tyranny and liberation on all levels, including mental, physical, religious, and sexual. In *America*, Blake outwardly expressed his belief in the coincidence of spiritual and material realities by joining his intellectual and manual activity in the production of his poem since he illustrated the poem with pictures of his own design.

Thoreau on the Free Human Self

Charles A. Rogers

Garrett-Evangelical Theological Seminary

"God, Nature, and Personhood: Thoreau's Alternative to Inanity." *Religion in Life* 48(Spring 1979): 101-113.

For Henry David Thoreau (1817-1862), author of *Walden* and *Civil Disobedience*, transcendentalism was not an abstract ideology but an experiential way of life and freedom for the true human self. In each present moment he lived his convictions "deliberately" concerning intuitive knowledge of ultimate reality and

the inherent divinity and goodness of the human soul. With his faith that the ultimates are immediately present in the here and now, Thoreau sought them in nature, in others, and in himself. Thoreau's liberating view of human nature and the fulfillment of the human person can be seen in three principal convictions: (1) his

belief in innate human divinity and capacity for the divine, (2) his affirmation of self-reliance as the basic method for achieving authentic existence, and (3) his optimism about the possibility of authentic existence. The content of these three convictions expresses Thoreau's ideas on the nature of free persons.

Thoreau's belief in our innate human divinity is analogous to his metaphysical views which discern two levels of reality—phenomenal and spiritual. In the human person these two levels correspond to our bodily nature and our spiritual nature. Thoreau, rejecting dualism, believed we are whole persons, body and souls, and that we should spiritualize our natural body. When Thoreau was imprisoned for his civilly disobedient refusal to pay a poll tax, he commented on the foolishness of the political functionaries who imprisoned him and believed they had thus captured his true self, whereas they imprisoned his body, not his meditative self. Thus, our real selfhood enables us to be free, to choose the good, and perceive true reality. True human freedom consists in liberating our true self from the bondage of the lower or animal nature. This is accomplished by exercising our awareness of higher reality and escaping the bondage of our dependence on luxuries and trivial things.

The affirmation of our self-reliance is the method by which we develop our true inner self. In *Walden*, Thoreau commends John Farmer whose sole concern was "to let his mind descend into his body and redeem it, and treat himself with ever increasing respect." To awaken the slumbering true self and inner divinity in us, "we must allow our spiritual nature to emancipate us from bondage to the trivial and inane." We practice the process of self-evaluation by conscious attention to our inner self to discover its potentiality. Thoreau's exhortation to free our true self and follow our "genius" encourages us to have faith in ourselves. "It is an exhortation to self-identity, self-dependence, self-integration, and self-reliance. We must not rely upon the society for our principles and values."

Thoreau's optimism concerning authentic existence flows from his belief in our spiritual nature and its potentiality. "Meaningful life is possible, but everyone must seek it out. Some will not find it, because they will not look. But each day is a new day, with new opportunities to look." First and last Thoreau was concerned with life—with a full, authentic, and free life deliberately lived in the present moment.

Zamyatin and the Self

Gary Rosenshield
University of Wisconsin at Madison

"The Imagination and the 'I' in Zamyatin's *We*." *Slavic and East European Journal* 23(Spring 1979):51-62.

Literary critics have tended to disparage the novelistic qualities of *We* (1920), by the Russian author Yevgeny Zamyatin (or Zamyatin), and to view it instead as a kind of Mennipean satire (Northrop Frye's phrase) in which characters serve mainly as mouthpieces for the author's social ideas. On the contrary, Prof. Rosenshield sees the artistic merits of *We*, not so much in its social prophecies, as in its superb development of essential novelistic ele-



ments such as theme and character. Rosenshiel analyzes the theme of imagination and, in particular, the transformation of the narrator, D-503, from mathematician to poet. In the course of his analysis, he shows how Zamjatin's social ideas dissolve "into that experimental reality viewed by most critics as the essential stuff of the novel."

In *We*, Zamjatin depicts the catalytic effect of a developing imagination upon the character of the narrator, who evolves from a number into a human being, from the builder of the missile *Integral* (the One State's most ambitious technological effort) to its potential destroyer, from the wholly logical mathematician to the intuitive poet. This evolution is reflected in D-503's diary, which is to contain a poem he is writing in praise of both the *Integral* and the ideals of the One State. However, according to Prof. Rosenshiel, the diary not only reflects the transformation, it is also the catalyst through which the metamorphosis takes place. Through the effort of poetic creation, the narrator gradually discovers an entirely new dimension of his being—that of sense, feeling, and metaphor—which his wholly regimented society and its rule of absolute reason have done their best to obliterate.

Zamjatin employs the device of style to convey the subtle and often vacillating changes occurring within the narrator. D-503's limpid, mathematical imagery is progressively infiltrated by an irrational language brought to birth by the very act

of seeing and creating. To images of machinery and geometry are added (in increasing proportion) those of sun, color, motion, touch, and finally erotic sensibility. In this gradual development, Zamjatin depicts the birth of a soul, the genesis of an "I" as opposed to the "We." The growing conflict between logic and intuition in D-503's personality often emerges in the style of a single passage. An intuitive remembrance of "unbearably sweet lips" may be juxtaposed with the author's bewildered but scientifically expressed feeling of being a planet in "some uncalculated orbit."

Thus, through the techniques of the novel, Zamjatin demonstrates that the exercise of imagination is an individuating principle, the key to a myriad of possible worlds. The One State itself realizes this and will not tolerate escapes through fantasy from its perfect world. To counter this threat, the One State has devised an operation which destroys the brain center controlling the faculty of imagination. Forced to submit to the surgery, D-503 continues his diary. His style emerges more arid and mathematical than ever before.

Far from expressing his ideas in a fictional tract, therefore, Zamjatin uses the full richness of literary technique to develop his themes. Future critical studies of *We* will, in Prof. Rosenshiel's mind, confirm this view and will deepen our insights into Zamjatin's consummate literary skills.

French Avant-garde Politics & Culture

Walter G. Langlois

"Anarchism, Action, and Malraux." *Twentieth Century Literature* 24(Fall 1978):272-289.

Historians who wish to understand the intellectual and cultural-political climate in France after World War I, can profitably examine the avant-garde magazine *Action*. This short-lived literary alternative to André Breton's Surrealism published only twelve issues between November, 1919 and May/June, 1922, but it was

influential, served as one of the first outlets for the young André Malraux's writings, and helps us perceive why Malraux rejected Breton's Dada-Surrealist aesthetics.

Action was the brainchild of Florent Fels (b. 1893) whose military service in World War I confirmed his anti-militarism

and made him sympathetic to the Individualist Anarchists. With roots reaching back to Condorcet, Rousseau, William Godwin, Max Stirner, and Proudhon, these anarchists were not the bomb-throwing stereotypes but idealists whose political vision was of a society in which "the individual would be free from all government coercion and restraint, his conduct being directed by a personal, inner moral commitment." After 1850 many French artists and intellectuals supported the individualist current in anarchism to oppose the ultra-conservative bourgeois morality and to support the ideals of personal freedom and social justice. At the end of the nineteenth century numerous artists (such as Camille and Lucien Pissarro and the "Fauves") and a majority of the Symbolists became associated with Individualist Anarchism. Beginning in 1892, the individualist anarchist monthly *Entretiens politiques et littéraires* received the support of Valéry and Remy de Gourmont. The Individualist Anarchists stressed personal liberty, experience, and pacifism.

After World War I, in 1919-1920, Fels instilled an individualistic tone in the first issues of *Action: Cahiers individualistes de philosophie et d'art* with his circle of contributing avant-garde intellectuals, anarchists, and writers. His aesthetic the-

ory stressed psychological insight, free but disciplined expression of the heart, artistry, inspiration, and individualism. He opposed the undisciplined and socially destructive, contemptuous spirit of Breton's Dada movement.

Reacting against the Dada aesthetics, Fels staged a "counter-manifestation" in 1920 to show other possibilities and new directions that were available for the evolution of a new literature and art. His lecture "Les Classiques de l'Esprit nouveau" gave the basis for a new rival poetry to oppose the "frivolous aesthetics" of Dada. Fels proclaimed that true modern poetry was idealist, classical, innovative and humanist and needed to participate fully in contemporary life. In his own aesthetics Fels stressed his links with the humanitarian ideals of the Individualist Anarchists.

The demise of *Action* in the spring of 1922 was the result of the dominance of Breton's Surrealism. *Action* had its origins in the Individualist Anarchist Movement and was born in opposition to Dada-Surrealist aesthetics. This magazine is a mine of information of the intellectual and artistic life of 1920-1922 before Surrealism became dominant. It also throws new light on the political radicalism of the young Malraux through his early prose poems and associates. □



INDEX

Authors

Altman, Elizabeth. "The Philosophical Bases of Feminism: The Feminist Doctrines of the St. Simonians and Charles Fourier."	71
Andrews, Stuart. "Joseph Priestley and American Independence."	60
Arnhart, Larry. "The Godlike Prince: John Locke's Executive Prerogative and the American Presidency."	53
Auerbach, Nina. "Women on Women's Destiny: Maturity as Penance."	73
Beneyto, Juan. "La Ideodinamica politica espanola entre Rousseau y Marx."	63
Barbour, Hugh. "William Penn, Model of Protestant Liberalism."	54
Bennett, John G. "A Note on Locke's Theory of Tacit Consent."	51
Bereiter, Carl. "The Morality of Moral Education."	45
Blackstone, W.T. "Freedom of Women."	69
Bremer, Francis. "In Defense of Regicide: John Cotton."	54
Chapman, R.A. "Leviathan Writ Small: Thomas Hobbes on the Family."	66
Cohen, Stephen. "Gewirth's Rationalism: Who is a Moral Agent?"	39
Cook, Blanche Wiesen. "Women Alone Stir My Imagination: Lesbianism and the Cultural Tradition."	73
Cord, Stephen B. "Equal Rights: A Provable Moral Standard."	44
Cotton, James. "James Harrington as Aristotelian."	56
Duerksen, Roland. "Shelley's Prometheus: Destroyer and Preserver."	81
Evans, Judith. "Attitudes to Women in Political Science."	75
Gauthier, David. "Thomas Hobbes: Moral Theorist."	41
Goerner, E.A. "On Thomistic Natural Law: The Bad Man's View of Natural Right."	40
Goldsmith, M.M. "Mandeville and the Spirit of Capitalism."	79
Grenander, M.E. "Benito Cereno and Legal Oppression: A Szaszian Interpretation."	80
Grisez, Germain. "Against Consequentialism."	42
Gura, Philip F. "The Radical Ideology of Samuel Gorton: New Light on the Relation of English and American Puritanism."	55
Hall, Ronald L. "Wittgenstein and Polanyi: The Problem of Privileged Self-knowledge."	44
Hay, Carla. "The Making of a Radical: The Case of James Burgh."	57
James, David E. "Angels out of the Sun: Art, Religion and Politics in Blake's <i>America</i> ."	82
Laucks, Eulah C. "The Meaning of Children in America."	67
Langlois, Walter. "Anarchism, <i>Action</i> , and Malraux."	85
Levy, David. "Libertarian Communists, Malthusians, and J.S. Mill Who is Both."	62
McCall, D.K. "Simone de Beauvoir, <i>The Second Sex</i> , and Jean-Paul Sartre."	74
McCloskey, H.J. "Universalized Prescriptivism and Utilitarianism: Hare's Attempted Forced Marriage."	42
McShea, Robert J. "Human Nature Ethical Theory."	46
Meilander, Gilbert. "A Little Monarchy: Hobbes on the Family."	65
Okin, Susan M. "Philosopher Queens and Private Wives."	66
Okin, Susan M. "Rousseau's Natural Woman."	70
Pugh, Evelyn L. "John Stuart Mill, Harriet Taylor, and Women's Rights in America, 1850-1873."	68
Rogers, Charles. "God, Nature, and Personhood: Thoreau's Alternative to Inanity."	83
Rogin, Michael. "Herman Melville: State, Civil Society and the American 1848."	80
Rosenschild, Gary. "The Imagination and the 'I' in Zamjatin's <i>We</i> ."	84
Rothbard, Murray. "Society Without A State."	61
Schaefer, David. "The Good, the Beautiful, and the Useful: Montaigne's Transvaluation of Value."	78
Sen, Amartya. "Utilitarianism and Welfarism."	43

Tilly, Louise. "The Social Sciences and the Study of Women: A Review Article."	76
Toohy, Robert E. "A Question of Human Freedom: Richard Price."	58
Tuck, Richard. "The Recovery and Repudiation of Grotius."	49
Veatch, Henry. Review of Alan Gewirth, <i>Reason and Morality</i> .	38
Wexler, Victor G. "Made for Man's Delight: Rousseau as Anti-feminist."	72
Zuckert, Michael. "An Introduction to Locke's First Treatises."	52

Research Fields

History

Andrews, Stuart. "Joseph Priestley and American Independence."	60
Barbour, Hugh. "William Penn, Model of Protestant Liberalism."	54
Bremer, Francis. "In Defense of Regicide: John Cotton."	54
Cook, Blanche Wiesen. "Women Alone Stir My Imagination: Lesbianism and the Cultural Tradition."	73
Gura, Philip F. "The Radical Ideology of Samuel Gorton: New Light on the Relation of English and American Puritanism."	55
Hay, Carla. "The Making of a Radical: The Case of James Burgh."	57
Levy, David. "Libertarian Communists, Malthusians, and J.S. Mill Who is Both."	62
Pugh, Evelyn L. "John Stuart Mill, Harriet Taylor, and Women's Rights in America, 1850-1873."	68
Toohy, Robert E. "A Question of Human Freedom: Richard Price."	58

Humanities

Duerksen, Roland. "Shelley's Prometheus: Destroyer and Preserver."	81
Grenander, M.E. "Benito Cereno and Legal Oppression: A Szaszian Interpretation."	80
James, David E. "Angels out of the Sun: Art, Religion and Politics in Blake's <i>America</i> ."	82
Langlois, Walter. "Anarchism, <i>Action</i> , and Malraux."	85
Rogers, Charles. "God, Nature, and Personhood: Thoreau's Alternative to Inanity."	83
Rogin, Michael. "Herman Melville: State, Civil Society and the American 1848."	80
Rosenschild, Gary. "The Imagination and the 'I' in Zamiatin's <i>We</i> ."	84
Schaefer, David. "The Good, the Beautiful, and the Useful: Montaigne's Transvaluation of Value."	78

Philosophy

Altman, Elizabeth. "The Philosophical Bases of Feminism: The Feminist Doctrines of the St. Simonians and Charles Fourier."	71
Bereiter, Carl. "The Morality of Moral Education."	45
Blackstone, W.T. "Freedom of Women."	69
Cohen, Stephen. "Gewirth's Rationalism: Who is a Moral Agent?"	39
Cord, Stephen B. "Equal Rights: A Provable Moral Standard."	44
Gauthier, David. "Thomas Hobbes: Moral Theorist."	41
Goerner, E.A. "On Thomistic Natural Law: The Bad Man's View of Natural Right."	40
Grisez, Germain. "Against Consequentialism."	42
Hall, Ronald L. "Wittgenstein and Polanyi: The Problem of Privileged Self-knowledge."	44
McCall, D.K. "Simone de Beauvoir, <i>The Second Sex</i> , and Jean-Paul Sartre."	74
McCloskey, H.J. "Universalized Prescriptivism and Utilitarianism: Hare's Attempted Forced Marriage."	42

McShea, Robert J. "Human Nature Ethical Theory."	46
Okin, Susan M. "Rousseau's Natural Women."	70
Sen, Amartya. "Utilitarianism and Welfarism."	43
Veatch, Henry. Review of Alan Gewirth, <i>Reason and Morality</i> .	38
Wexler, Victor G. "Made for Man's Delight: Rousseau as Anti-feminist."	72

Political Philosophy

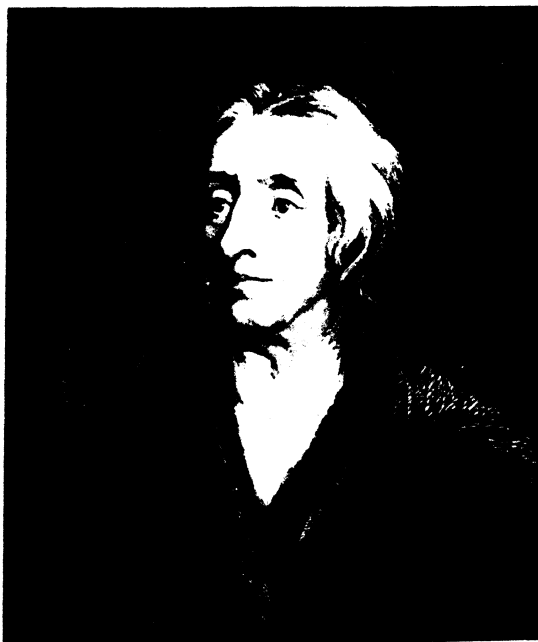
Beneyto, Juan. "La Ideodinamica politica espanola entre Rousseau y Marx."	63
Bennett, John G. "A Note on Locke's Theory of Tacit Consent."	51
Cotton, James. "James Harrington as Aristotelian."	56
Goldsmith, M.M. "Mandeville and the Spirit of Capitalism."	79
Okin, Susan M. "Philosopher Queens and Private Wives."	66
Rothbard, Murray. "Society Without A State."	61
Tuck, Richard. "The Recovery and Repudiation of Grotius."	49
Zuckert, Michael. "An Introduction to Locke's First Treatises."	52

Political Science

Arnhart, Larry. "The Godlike Prince: John Locke's Executive Prerogative and the American Presidency."	53
Evans, Judith. "Attitudes to Women in Political Science."	75
Tilly, Louise. "The Social Sciences and the Study of Women: A Review Article."	76

Sociology

Auerbach, Nina. "Women on Women's Destiny: Maturity as Penance."	73
Chapman, R.A. "Leviathan Writ Small: Thomas Hobbes on the Family."	66
Laucks, Eulah C. "The Meaning of Children in America."	67
Meilander, Gilbert. "A Little Monarchy: Hobbes on the Family."	65



Reason Papers...

... the journal that takes liberty seriously

... the journal that provides an open forum for thinking and debating about the free society—what would it be like? how successful are attempts to prove that it's the best social order? how does it relate to other, nonpolitical values?

Reason Papers is edited by Prof. Tibor R. Machan and a group of distinguished scholars and is published annually by the Reason Foundation. *Reason Papers* No. 6 is now available, and it includes some provocative debates:

■ If Karen Ann Quinlan has the right to life, doesn't she have the right to death? If not, then the right to life is a curious kind of right—exercising it is not allowed to be a matter of individual choice. If so, does it mean that Karen Ann Quinlan's doctor—or anyone else—*must* intervene to end her life? Philosopher Antony Flew sorts out these issues.

■ Is taxation theft? J. R. Kearl has met Robert Nozick's claim that it is with a counterargument: by enforcing property rights, the State makes for a more efficient use of resources; so it has a legitimate claim on the resulting increased social output. Economist Richard McKenzie takes a look at this attempt to justify taxation.

■ Did Aristotle turn away from the libertarianism of several of his predecessors in Greek political thought, opting instead for a paternalistic State? Philosopher M. T. Owens revives the debate with a comment on "The State and the Community in Aristotle's *Politics*," from *Reason Papers* No. 1.

■ If the owner of the only spring in a desert oasis withholds his water unless the other oasis-dwellers do his bidding, is he exercising coercion? Free-market economist F. A. Hayek thinks he is. Political scientist Ellen Paul examines Hayek's writings on freedom, coercion, and the rule of law to see how far they take us on the road to liberty.

■ Some economists say that, even with greater governmental controls over earning and spending, the average American has more liberty today than a century ago because his income is higher, so he can do more things. Are wealth and liberty really interchangeable? Economist E. C. Pasour considers the argument.

■ If we figure out what is the best scientific method, does this tell us something about the best political arrangement? And what about the reverse? Philosopher Robert Hollinger outlines the position of Paul Feyerabend, controversial philosopher of science and author of *Science in a Free Society*.

Challenge your thinking with *Reason Papers* No. 6!
Mail the coupon below to get your copy.

REASON PAPERS
P. O. Box 40105
Santa Barbara, CA 93103

☐ Please send me
Reason Papers No. 6.
My check or money order
for \$4.50 is enclosed.

Name _____

Address _____

City _____

State _____ Zip _____

Public choice

Editorial Board

Gordon Tullock (Senior Editor)
Kenneth A. Shepsle (Editor)
Richard E. Wagner (Book Review Editor)
Peter Bernholz / Duncan Black / Kenneth Boulding / Steven Brams / James M. Buchanan / James S. Coleman / Anthony Downs / Francesco Forte / John Harsanyi / Melvin J. Hinich / Gerald Kramer / Richard G. Niemi / William A. Niskanen / Mancur Olson / Charles R. Plott / William A. Riker / Akihito Udagawa

Aims and Scope

Public Choice, the journal of the Public Choice Society, deals with the intersection between economics and political science. It started when economists and political scientists became interested in the application of essentially economic methods to problems normally dealt with by political scientists. It has retained strong traces of economic methodology, but new and fruitful techniques have been developed which are not recognizable by economists. In general, Public Choice can be viewed as a field of interest to both economists and political scientists who are interested in theoretical rigor, statistical testing, and applications to real world problems.

The subscription price for 1980 (Vol. 35, 5 issues) is, for institutions, Dfl. 62,- (approx. US \$ 37.20) plus Dfl. 19,- (approx. US \$ 10.00) for postage and handling. For members of the Public Choice Society, the subscription price is Dfl. 35,15 (US \$ 18.50) all included, and for students, Dfl. 18,10 (US \$ 9.50) all included.

A special student subscription rate is available at US \$ 9.50 per volume including postage and handling.

Free sample copies are available on request

Contents of Vol. 34 No. 1

ARTICLES. U. Ben-Zion and M. Spiegel: Efficiency and compensation of public officials. H. Fischler: Monopolies, market interdependencies and the logic of collective action. Some critical comments on Mancur Olson's group theory. J. Oppenheimer: Outcomes of logrolling in the bargaining set and democratic theory: some conjectures. W.P. Welch: The allocation of political monies: economic interest groups. E.G. West and S.L. Winer: Optimal fiscal illusion and the size of government. BOOK REVIEWS. G. Tullock: Research in Experiment Economics, edited by V.L. Smith, K.I. Vaughn: Two Philosophies of Money: the Conflict of Trust and Authority, by S. H. Frankel.

Contents Vol. 35 No. 1

ARTICLES. G. Brosio, D.N. Hyman and W. Santagata, Revenue sharing and local public spending: the Italian experience. L.S. Moss, Optimal jurisdictions and the economic theory of the state: or, anarchy and one-world government are only corner solutions. W.W. Brown and G.J. Santoni, Economic competition and political competition: a comment. W.A. Fischel: Externalities and zoning. J. Meerman: Are public goods public goods? G.E. Mumy, Long-run efficiency and property rights sharing for pollution control. J. Silberman and G. Yochum, The market for special interest campaign funds: an exploratory approach. W.P. Welch, The allocation of political monies: economic interest groups. U. Ben-Zion and M. Spiegel, Efficiency and compensation of public officials. P. Bernholz, Public choice. REVIEWS. C. Scheer, Sozialstaat und öffentliche Finanzen, reviewed by W. Ver Eecke. S.H. Frankel, Two philosophies of money: the conflict of trust and authority, reviewed by K.I. Vaughn.

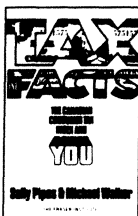


**Martinus
Nijhoff
Publishers**

P.O. Box 566, The Hague, The Netherlands

The Fraser Institute

Other titles on current economic issues published by the Fraser Institute



TAX FACTS: The Canadian Consumer Tax Index and You

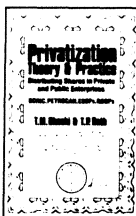
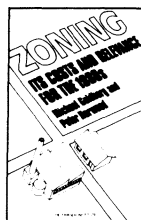
This book is an important new Fraser Institute study showing how the consumer tax burden in Canada has risen dramatically in recent years. By Sally Pipes, a Fraser Institute staff economist, and Michael Walker, the Institute's Director, *Tax Facts* is a highly readable analysis of the extent of direct and hidden taxation in Canada. An up-to-date sequel to the Institute's earlier bestseller, *How Much Tax Do You Really Pay?*, this book contains a glossary of terms and a bibliography.

140 pages 9 charts 29 tables \$3.95 paperback ISBN 0-88975-027-0

ZONING: Its Costs and Relevance for the 1980s

This provocative book raises a number of questions about zoning, specifically about recent variants of land-use controls. It forthrightly challenges underlying assumptions and principles at the root of the zoning philosophy and is required reading for all those concerned with the future of cities. Authors include: Michael A. Goldberg, visiting scholar (1979/80), Harvard University and Professor, Urban Land Economics Division, Faculty of Commerce and Business Administration, University of British Columbia, and Peter J. Horwood, a Vancouver Planning Consultant.

168 pages 3 Maps 6 Photos \$4.95 paperback ISBN 0-88975-032-7



PRIVATIZATION: Theory and Practice

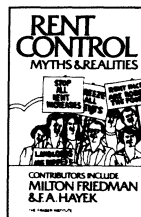
In March 1979, the Government of British Columbia launched a unique, new experiment in economic policy by divesting itself of the ownership of the British Columbia Resources Investment Corporation and giving the shares to the citizens of British Columbia. This book by T.M. Ohashi, Senior Vice-President and Director of Research, Pemberton Securities Ltd., and T.P. Roth, a U.S. economist, analyzes this experiment. It also provides a complete analysis of the effects of Generalized Stock Ownership Plans, a theoretical overview of privatization and the public interest, and an analysis of the prospects for privatizing the Alberta Heritage Savings Trust Fund.

175 pages (approx.) \$12.95 paperback ISBN 0-88975-036-X

RENT CONTROL: Myths and Realities

Drawing on experiences in six countries over the last 50 years, a group of economists, including Nobel Prize winners Friedrich Hayek and Milton Friedman, discuss the myth and the reality of rent control. They present definitive evidence that in the final analysis, "there is no case for control." A surprising feature of this book is that a group of economists of a variety of ideological persuasions comes to a unanimous conclusion about the effects of rent control. This book is a sequel to our earlier bestseller, *Rent Control—A Popular Paradox*.

250 pages (approx.) \$5.95 paperback ISBN 0-88975-033-5



Macmillan of Canada

IS THE EXCLUSIVE NATIONAL DISTRIBUTOR
FOR ALL FRASER INSTITUTE TITLES



PUBLISHED BY THE FRASER INSTITUTE, 636 BUTE STREET, VANCOUVER, BRITISH COLUMBIA, CANADA V6E 3M1. AVAILABLE AT BOOKSTORES OR BY MAIL FROM THE INSTITUTE.

Journal of Church and State

The only scholarly journal expressly concerned with the topic of church and state, *Journal of Church and State* seeks to stimulate interest, dialogue, research, and publication in the area of church-state relations and religious freedom. Each issue of *JCS*, in addition to an editorial, features five or six major articles based upon research, interpretation, and/or critical analysis on the constitutional, historical, philosophical, theological, and sociological aspects of the interaction between the religious and the political, and from thirty-five to forty reviews of or notes on significant books related to church and state. From time to time key documents and texts of important court decisions are also published. Regular features of each issue include "Notes on Church-State Affairs," a nation-by-nation compilation of current occurrences in church-state matters, and a list of "Recent Doctoral Dissertations in Church and State."

"An excellent scholarly survey of the church-state field, publishing diverse views by authors from various traditions."

—Department of Religious Liberty and Human Rights,
National Council of Churches, U.S.A.

"It certainly fills a gap in contemporary scholarship that other journals have not dealt with in depth."

—John J. Carey, Chairman, Department of Religion,
Florida State University

"It provides an open forum for the exchange of ideas and the exploration of the ramifications of faith as it relates to public questions. Its sense of balance and perspective, together with its global orientation, are refreshing."

—Richard V. Pierard, Professor of History,
Indiana State University

Subscription: \$10.00 annually by volume year (Winter, Spring, Autumn); \$3.50 per single issue. Address all correspondence to the Editor, *Journal of Church and State*, U.B. 380, Baylor University, Waco, Texas 76798.

INTERPRETATION

A JOURNAL OF POLITICAL PHILOSOPHY

G Building, Room 101 Queens College Flushing, New York 11367

Editor-in-Chief: Hilail Gildin

Editors: Seth G. Benardete, Hilail Gildin, Robert Horwitz,
Ann McArdle, Howard B. White (1912-1974)

Consulting Editors: John Hallowell, Wilhelm Hennis, Erich Hula, Arnaldo Momigliano,
Michael Oakeshott, Leo Strauss (1899-1973), Kenneth W. Thompson

Assistant Editor: Marianne Grey

Editor, Queens College Press: Lee Cogan

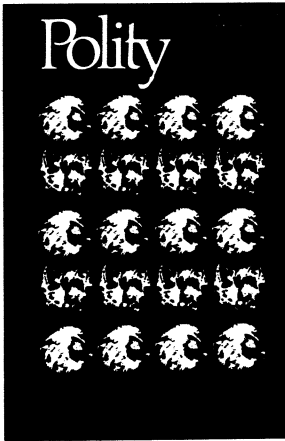
Assistant Editor, Queens College Press: Anne M. Demerle

Volume 8, Issue 1

Leo Strauss	Preface to <i>Hobbes politische Wissenschaft</i>
Michael Platt	Falstaff in the Valley of the Shadow of Death
John F. Wilson	Reason and Obligation in <i>Leviathan</i>
Michael P. Zuckert	An Introduction to Locke's First Treatise
Abraham Rotstein	Lordship and Bondage in Luther and Marx
Thomas J. Scorza	Tragedy in the State of Nature: Melville's <i>Typee</i>

INTERPRETATION appears three times a year. Annual subscription rate: \$10 for individuals, \$12 for libraries.

Order from: **INTERPRETATION**, G 101, Queens College, Flushing, N.Y. 11367



Polity is a professional political science journal published quarterly by The Northeastern Political Science Association. Polity is open to a wide range of domestic and international topics. Included are Articles, Book Review Essays, and Research Notes offered in a carefully designed format that features an artistic cover with every issue. Throughout its ten years of existence, Polity has actively tried to provide lively, literate, and provocative reading.

Recent contributors have included Samuel H. Beer, Hans Speier, William C. Havard, Henry Kariel, Philip Abbott, Terence Ball.

A sampling of subjects from recent and forthcoming issues:

Critical theory and legitimacy
Cross-national patterns of university government
The nationalization of welfare
Gramsci's prison notebooks
Ethnic politics in Detroit
Titoist integration of Yugoslavia
The Supreme Court's shopping center decisions
Political value judgments of children
and other subjects of general interest to political scientists.

Subscription Rates

Individuals: \$12.00 (including membership in the Northeastern Political Science Association for residents of the region).

Foreign \$12.50

Institutions: \$15.00. Foreign \$15.50

Student: U.S.A. \$5.00, Foreign \$5.50

Mail (subscription order) to: POLITY, Thompson Hall, University of Massachusetts, Amherst, Massachusetts 01003

Name _____

Address _____

Payment enclosed, sum of: _____

The Philosophical Review

Edited by the
Sage School of Philosophy
Cornell University

A QUARTERLY journal of philosophical articles
and book reviews.

Address:

218 Goldwin Smith
Cornell University
Ithaca, NY 14853

Rates:

\$13.00/individuals
\$20.00/institutions
\$ 4.00/single issue

LITERATURE of LIBERTY *a review of contemporary liberal thought*

Vol I, #1

"The American Revolution" by *Forrest McDonald*
and *Murray Rothbard*

Vol I, #2

"Revolution and Social Change: The American
Revolution as a People's War" by *William Marina*

Vol I, #3

"Radical Individualism in America" by *Eric Foner*

Vol I, #4

"Natural Law: Dead or Alive" by *Henry Veatch*

Vol II, #1

"The Idea of Progress" by *Robert Nisbet*

Vol II, #2

"John Stuart Mill" by *John Gray*

Vol II, #3

"The Economics of David Ricardo" by *Samuel
Hollander*

Vol II, #4

"Property Rights and Natural Resources Manage-
ment" by *John Baden and Richard Stroup*

Previous issues are available for \$4.00 each.

Subscription rate: \$12.00

Write to: Institute for Humane Studies
Suite 6, 1177 University Drive
Menlo Park, California 94025

Forthcoming essays . . .

Joseph Priestly and Middle-Class Radicalism
by *Isaac Kramnick*

The Literature of Ethics by *John Hospers*
Ancients vs. Moderns by *Ellen Paul*

The New York University Press

and the

Institute for Humane Studies

announce the associated publication of the Studies in Economic Theories

a book series examining the complex phenomena of human
behavior in relation to the dynamic market process.

Principles of Economics
by *Carl Menger*

The Foundations of Modern Austrian Economics
Edited by *Edwin G. Dolan*

Epistemological Problems of Economics
by *Ludwig von Mises*

Economic Calculation in the Socialist Society
by *T. J. B. Hoff*

L.S.E. Essays on Cost
by *J. M. Buchanan and G. F. Thirlby*

The Ultimate Foundation of Economic Science
by *Ludwig von Mises*

Economics as a Coordination Problem
by *Gerald P. O'Driscoll, Jr.*

America's Great Depression
by *Murray N. Rothbard*

Power and Market: Government and the Economy
by *Murray N. Rothbard*

Capital, Interest, and Rent
by *Frank A. Fetter*

The Economic Point of View
by *Israel M. Kirzner*

Capital and its Structure
by *Ludwig M. Lachmann*

Capital, Expectations, and the Market Process
by *Ludwig M. Lachmann*

Liberalism
by *Ludwig von Mises*

The Economics of Ludwig von Mises
Edited with an introduction by *Laurence S. Moss*

Man, Economy, and State
by *Murray N. Rothbard*

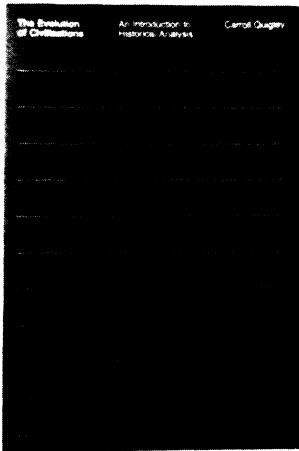
New Directions in Austrian Economics
Edited by *Louis M. Spadaro*

Individual copies available:

**Cloth \$15.00 each; Paper \$5.00
Set: Cloth \$210.00; Paper \$70.00**

**Write to: Institute for Humane Studies
1177 University Drive
Menlo Park, California 94025**

LibertyPress LibertyClassics



The Evolution of Civilizations An Introduction to Historical Analysis

By Carroll Quigley

A comprehensive and perceptive look at the factors behind the rise and fall of civilizations. Quigley examines the application of scientific method to the social sciences, then establishes his historical hypotheses. He identifies seven stages of historical change for all civilizations—mixture, gestation, expansion, age of conflict, universal empire, decay, and invasion—and tests his hypotheses with a detailed analysis of five major civilizations: the Mesopotamian, the Canaanite, the Minoan, the classical, and the Western. “He has reached sounder ground than has Arnold J. Toynbee”—*Christian Science Monitor*. “Studies of this nature, rare in American historiography, should be welcomed”

—*American Historical Review*.

Hardcover \$9.00, Paperback \$4.00.

We pay postage, but require prepayment, on orders from individuals. Please allow four to six weeks for delivery. To order this book, or for a copy of our catalog, write:

LibertyPress/LibertyClassics
7440 North Shadeland, Dept. W17
Indianapolis, Indiana 46250