

AN INTRODUCTION TO
MODERN PHILOSOPHY

IN SEVEN PHILOSOPHICAL PROBLEMS

BY

ALBUREY CASTELL

PROFESSOR OF PHILOSOPHY

UNIVERSITY OF OREGON

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materials in this section are from the Introduction; Chapters 13, 17, 18, 21; and the Review and Conclusion.

Reading References. More by Hobbes is the best commentary on anything by Hobbes. Despite his somewhat archaic English, he is readable and suggestive. There is a refreshing cynicism about him. Further reading in the *Leviathan*, particularly that portion in which Hobbes describes the "kingdom of Darkness," is in order. Sir Leslie Stephen's book, *Hobbes*, in the *English Men of Letters* series, is good. So is Sir G. P. Gooch's book, *Political Thought in England: Bacon to Halifax*, in the *Home University Library* series. An older commentary will be found in the first two chapters of William Graham's *English Political Philosophy: Hobbes to Maine*.

For books published since 1940, see page 119.

READING QUESTIONS

1. It may be, as some have said, that God wills the state; but who, according to Hobbes, makes the state?
2. Why men combine together to make a state.
3. The state is founded upon a contract. The terms of this contract. The parties to this contract. Who is not a party to it?
4. There can be no breach of covenant on the part of the sovereign. Why not? Therefore what?
5. From the way in which a state comes to pass, and sovereignty is instituted, certain consequences follow. Mention any six.
6. According to Hobbes, men authorize government to exercise sovereignty over them; but in doing so they reserve certain rights which they may exercise against the government. Mention any six.
7. Why he recommends the teaching of his doctrines at the universities.
8. Wherein you find Hobbes (a) most (b) least convincing.

3. THE SOCIAL CONTRACT AND THE GENERAL WILL —FROM JEAN JACQUES ROUSSEAU

From Hobbes to Rousseau. Hobbes published his account of the state, in his *Leviathan*, in 1651. It had been written with reference to the Puritan revolution in England in 1649. The intention of the author had been to set forth the principles and presuppositions of that revolution. Between the *Leviathan* in 1651 and Rousseau's *Social Contract* in 1762, there came a second English revolution in 1688. This is referred to,

sometimes, as the "bloodless" revolution, because of the fact that James II was deposed, the Stuart line closed, a new monarch invited to come to England from Holland, with little or no actual fighting. This revolution of 1688 was celebrated in the annals of political theory by John Locke in his *Two Treatises of Government*. This book defended the revolution on the ground that government rests upon the consent of the governed, and that what the governed consent to is a satisfactory definition and protection of their natural rights. There is, between sovereign and subject, a contractual relation. If the sovereign violates this contract, revolution is justified. This doctrinal claim that government *is* founded—in contrast to the historical claim that it *was* founded—on a contract was made the central theme of Jean Jacques Rousseau's important and influential little book, *The Social Contract*. Locke and Rousseau together provided the theory upon which the revolutionary movements at the end of the eighteenth century professed to rest. Americans in 1776 and French in 1789 were convinced that their actions were susceptible of justification in terms of the *Two Treatises of Government* and *The Social Contract*. The essence of these books is perhaps expressed in the claims that an ideal government is one which rests upon the consent of the governed; and that community self-government is the imposition by each man on himself of rules and limitations demanded by him of all others.

Biographical Note. Jean Jacques Rousseau was born in Switzerland in 1712, and died in 1778 at the age of sixty-six. His life falls into three periods. (1) During the period from 1712 to 1748 he was acquiring the elements of a formal education and something more than the elements of a worldly education. These matters are set down in his *Confessions*. As might be expected from the haphazard and undisciplined way in which he conducted himself during these years, Rousseau arrived at a state of some maladjustment. The times looked out of joint. The mores looked cramped and artificial. Civilization looked decadent.

(2) During the period from 1749 to 1762 he formulated his criticisms of the then modern world in a series of tracts which have given him his place in the scheme of things. The first of these (1749) was addressed to the question: Have the sciences and arts contributed to purify morals? Rousseau's answer was No. The second (1755), *On the Origin of Inequality Among Men*, argued that the root of inequality is the division of labor within society which permits the strong and wealthy to subject the mass of mankind to toil and poverty. The third (1760), *The New Heloise*, was a protest against the artificialities of marriage and

the family. The fourth (1762), *Émile*, was an indictment of education conceived as discipline and restraint. It stated the case for education, conceived as expression and development. The fifth (1762), *The Social Contract*, was addressed to the problem: Man is born free, and is everywhere in chains. How can this be justified? In these writings, Rousseau touched on important phases of eighteenth-century civilization. His pronouncements were usually in terms of such words as *artificial*, *unnatural*, *narrow*, *selfish*, *ignoble*, *crass*. Art, science, society, education, religion, the family, the state—all gave evidence that mankind was paying too great a price for the fruits of “civilized” living.

(3) During the period from 1763 to 1778 he was again a wanderer. The authorities ordered him out of France. He moved to Switzerland. The authorities ordered him out of Switzerland. He moved, at the invitation of David Hume, to England. This proved no better. He returned to France. During the last years of his life his mind became unbalanced. He died suddenly in 1778, two years after the American Revolution had begun and eleven years before the French Revolution began, for both of which in *The Social Contract* he had formulated principles of justification.

The Argument of the Citations. The problem which Rousseau set himself has been stated already. It was this: “Man is born free, and is everywhere in chains. How did this come about? I do not know. What can make it legitimate? That question I think I can answer.” It is clear, that Rousseau does not propose to account for the fact that man is everywhere in chains. That is, he is not proposing historical research into origins. Nor is he proposing to remove the chains in question. That is, he is not proposing an argument for anarchism. His question is the more searching one: Granted that men must live in chains (i.e., under laws) what considerations will justify the fact? He begins by rejecting the notion that the right of this condition is to be found in the might that enforces it. Might does not make right. What does, then? His answer is common need, common confrontation with conditions which no individual could handle if left to himself. This idea is contained in the notion of the social contract. The terms of the contract are noted. The attributes of the sovereignty created and sustained by the contract are noted. The role of lawmaker is noted. The nature of law is noted. The separation of powers within government is argued for. The alternative forms of government (monarchy, aristocracy, democracy) are noted, together with their defining virtues and vices. He notes, finally, “the unavoidable and inherent defect which tends ceaselessly to destroy” any

form of political organization in any society. The argument begins as follows:

Man is born free, and is everywhere in chains. One thinks himself the master of others, and still remains a greater slave than they. How did this come about? I do not know. What can make it legitimate? That question I think I can answer.

The first thing to be clear about is that the restrictions which law imposes cannot be justified by any appeal to the fact of force which lies back of them. Might does not make right. Thus:

Suppose that "force" creates "right." The result is a mass of nonsense. For, if force creates right, then every force that is greater than the first succeeds to its right. As soon as it were possible to disobey with impunity, disobedience would become legitimate; and, the strongest being always in the right, the only thing that would matter (so far as concerns "justification") would be to act so as to become the strongest.

But what kind of "right" is it that perishes when force fails? If we "must" obey, there is no question that we "ought" to obey. And, on the principle that force makes right, if we are not forced to obey, we are under no obligation to do so. A brigand surprises me at the edge of a wood. The pistol he holds gives him power. Does it also give him right? Even if I could withhold my purse, am I in conscience bound to give it up? Does his "might" create a "right"?

Force is a physical power, and I fail to see what moral effect it can have. To yield to force is an act of necessity, not of will; at most, an act of prudence. In what sense can it be a duty?

"Obey the powers that be." If this means "yield to force," it is a good precept; but superfluous: I can answer for its never being violated. If it means "yield, because all power comes from God," the case is no better. All power comes from God, I admit; but so does sickness. Does that mean that we are forbidden to call in a doctor?

Let us admit then that force does not create right, and that we are obligated to obey only legitimate powers. In that case my original question recurs: What is the basis of political obligations?

If might does not make right, if the "chains" are not justified by the fact that we are forced to wear them, what can we say? Rousseau shifts from the force which is admittedly necessary to the existence of law, to the conditions which justify law backed by force. Thus:

Suppose men to have reached the point at which the obstacles in the way of their preservation in the state of nature are greater than the resources at the disposal of each individual. That primitive condition can then subsist no longer, and the human race would perish unless it changed its manner of existence.

The problem is to find a form of association which will protect the person and goods of each individual with the whole common force of all; and in which each, uniting himself with all, may still obey himself alone and remain as free as before. This is the fundamental problem of which the "social compact" provides the solution.

If we disregard what is not of the essence of the social compact we shall find that it reduces itself to the following terms: "Each of us puts his person and his power in common under the supreme direction of the general will; and, in our corporate capacity, we receive each member as a part of the whole."

At one stroke, in place of the individual personality of each contracting party, this act of association creates a collective body, receiving from this act its unity, its common identity, its life, and its will. This public person, so formed by the union of all other persons, takes the name of *body politic*. It is called *state* when passive, *sovereign* when active, and *power* when compared with others like itself. Those who are associated in it take collectively the name of *people*, are severally called *citizens* as sharing in the sovereign power, and *subjects* as being under the laws of the state.

As soon as this multitude is united in one body politic, it becomes impossible to offend against one of the members without attacking the body politic, and still more to offend against the body politic. Duty and interest, therefore, equally obligate the two contracting parties to give each other help.

The social contract creates the state. It thereby creates the "chains" he had referred to. But it does more than that. The chains are seen to be, in principle, self-imposed restrictions; and they bring with them compensating advantages: Thus:

In the social compact there is no real "renunciation" on the part of the individuals. The position in which they find themselves, as a result of the compact, is really preferable to that in which they were before. Instead of a "renunciation," they have made an advantageous exchange; instead of an uncertain and precarious way of living, they have got one that is better and more secure; instead of natural independence, they have got liberty; instead of the power to harm others, they have got security for themselves; instead of their strength, which others might overcome, they have got a right which social union makes invincible.

What a man loses by the social compact is his natural liberty, and an unlimited right to everything he tries to get and succeeds in getting. What he

gains is civil liberty and the proprietorship of all he possesses. If we are to avoid mistake in weighing one against the other, we must distinguish natural liberty, bounded only by the strength of the individual, from civil liberty, limited by the general will; and we must distinguish possession, the effect of force, from property, founded only on a positive title.

For such physical inequalities as nature may have set up between men, the social compact substitutes an equality that is moral and legitimate: by it, men who may be unequal in strength or intelligence, become every one equal by convention and legal right.

Under bad governments, this equality is only apparent and illusory: it serves only to keep the pauper in his poverty and the rich man in the position he has usurped. In fact, laws are always of use to those who possess, and harmful to those who have nothing: from which it follows that the social state is advantageous to men only when all have something and none have too much.

The general will alone can direct the state according to the object for which it was instituted, i.e., the common good: for, if the clashing of particular interests made the establishing of societies necessary, the agreement of these interests made it possible. The common element in these different interests is what forms the social tie; and, were there no point of agreement between them all, no society could exist. It is solely on the basis of this common interest that every society should be governed.

There is often a great difference between the "will of all" and the "general will." The latter considers only the common interest; the former takes private interest into account, and is no more than a sum of particular wills. But deduct from the sum of particular wills the plusses and minuses that cancel one another, and the general will remains.

Each individual may have a particular will contrary or dissimilar to the general will which he has as a citizen. His particular interest may speak to him quite different from the common interest; may make him look upon what he owes to the common cause as a gratuitous contribution, the loss of which will do less harm to others than the payment of it is burdensome to himself. He may come to regard the moral person which constitutes the state as a *persona ficta*, because not a man; and, as a result, may wish to enjoy the rights of citizenship without being ready to fulfill the duties of a subject. This, continued, would prove the undoing of the body politic.

The social contract creates sovereignty, i.e., a society organized to define and enforce its laws. The sovereignty inheres in the people. Rousseau proceeds to note several of its defining properties:

In order that the social compact may not be an empty formula, it includes the undertaking, that whoever refuses to obey the general will shall be com-

pelled to do so. In this lies the key to the working of the body politic. This alone legitimizes civil undertakings which, without it, would be absurd, tyrannical and liable to the most frightful abuses. The social compact gives the body politic absolute power over all its members. It is this power, under the direction of the general will, which bears the name of *sovereignty*.

The sovereign, being formed wholly of the individuals who compose it, neither has nor can have any interest contrary to theirs. The sovereign, therefore, need give no guarantee to its subjects. Merely by virtue of what it is, the sovereign is always what it should be.

Sovereignty, being nothing less than the exercise of the general will, is inalienable, and the sovereign, who is no less than a collective being, cannot be represented except by himself. The power may be delegated, but not the general will from which it derives. To be "general," the will need not be unanimous, but every vote must count; any exclusion is a breach of generality. For the same reason that it is inalienable, sovereignty is indivisible.

The social compact sets up among the citizens an equality of such a kind that they all bind themselves to observe the same conditions and should therefore all enjoy the same rights. Thus, from the very nature of the compact, every act of sovereignty binds or favors all the citizens equally; so that the sovereign recognizes only the body of the nation and draws no distinctions between those of whom it is made up.

What, then, is an act of sovereignty? It is not a convention between a superior and an inferior, but a convention between the body politic and each of its members. It is legitimate, because based on the social contract; equitable, because common to all; useful, because it can have no other object than the general good; and stable, because guaranteed by the public force and the supreme power.

The people are sovereign. Granted. But what can they do about it? They can delegate their sovereignty to a legislature and an administration. Of themselves the sovereign people cannot draw up good law nor can they administer it.

But how are the people to "regulate the conditions of society"? By a common agreement? By a sudden inspiration? Has the body politic an organ to declare its will? Who can give it the foresight to formulate and announce its acts in advance? How is it to announce them in the hour of need? How can a blind multitude, who often does not know what is good for it and hence what it wills, carry out for itself so great and difficult an enterprise as a system of legislation?

Of itself, the people always wills the good, but of itself it by no means always sees it. The general will is always in the right, but the judgment which guides it is not always enlightened. It must be got to see things as they are,

and, sometimes, as they ought to appear to it. It must be shown the good road it is in search of, secured against the seductive influences of individual wills. It must be taught to see times and places, made to weigh the attractions of present and sensible advantages against the dangers of distant and hidden evils.

All stand equally in need of guidance. Individuals must be compelled to bring their wills into conformity with their reason. The public must be taught to know what is the good which it wills. If that is done, there is a union of understanding and will in the social body. The parts work together, and the whole is raised to its highest power. This makes a legislator necessary.

The function of lawmaker needs to be considered. The unique qualifications are noted. The "legislator" is a paradoxical ideal.

To discover the rules of society best suited to nations, a superior intelligence beholding all the passions of men without experiencing any of them, would be needed. This intelligence would have to be wholly unrelated to our nature, while knowing it through and through. Its happiness would have to be independent of our happiness and yet ready to occupy itself with it. It would have to look forward and, working in one century, to be able to enjoy the next. It would take gods to give men laws.

He who dares undertake the making of a people's institutions ought to feel himself capable of changing human nature, of transforming each individual into part of a greater whole, of altering men's constitution for the purpose of strengthening it, of substituting a shared and moral existence for the independent and natural existence which nature has conferred on us all. In a word, he must take away from man his own resources and give him in their stead new ones incapable of being used without the help of other men. The more completely these "natural" resources are annihilated, the greater and more lasting are those which supplant them, and the more stable and perfect are the new institutions.

The office of legislator, which gives form to the state, nowhere enters into its constitution. He who holds command over men (the government), ought not to hold command over the laws. He who holds command over the laws (the legislator) ought not to hold command over men. Else would his laws be the ministers of his passions serving to perpetuate his injustices, and his private aims mar the sanctity of his work.

Thus in the task of legislation we find two things which appear to be incompatible: an enterprise too difficult for human powers, and, for its execution, an authority that is no authority.

The great soul of the legislator is the only miracle that can prove his mission. Any man may engrave on tables, buy an oracle, feign secret connexion with the gods, train a bird to whisper into his ear, or find some other trumpery way to impose on the people. He whose knowledge goes no further may per-

haps gather round him a band of fools, but he will never found an empire, and his extravagances will perish with him. Idle tricks form a passing tie; only wisdom can make it lasting.

Provided the miracle of a good law can be performed, what does society have at its disposal? An instrument, essentially, for dealing with general conditions. The particulars must be seen to fall under the law by the wisdom of the executive.

What is a law? When the whole people declares for the whole people, this is what I call a *law*.

The matter about which such decree is made is, like the decreeing will, general. When I say that the matter is "general," I mean that law considers subjects *en masse* and actions in the abstract, never a particular person or action. Thus law may declare that there shall be privileges; but it cannot confer them on any one by name. It may set up classes of citizens. It may specify qualifications for membership of these classes. But, as law, it cannot nominate such and such persons as belonging to these classes. Law may, e.g., establish a monarchical form of government and an hereditary succession. It cannot choose a king or nominate a royal family. In a word, no function which has a particular object in view can be a matter of law.

On this view, we see at once that it can no longer be asked whose business it is to make laws, since they are acts of the general will; nor whether "government is above the law," since governors are part of the state; nor whether laws can be unjust, since no one is unjust to himself; nor how we can be both "free" and at the same time subject to laws, since they are but registers of our wills.

The law unites universality of will with universality of object. What any man commands of his own motion cannot be law. Even what sovereignty commands with regard to some particular matter cannot be law; it is then merely a decree of the government.

Laws are, strictly speaking, the conditions of civil association. The people, being subject to the laws, ought to be their author: the conditions of the society ought to be regulated by those who unite to give it form.

Thus far we have had society, the contract, the sovereign people, the legislator, and laws. We come now to government, what we would call the executive arm of government. It is not to be confused with any of the other terms:

I have argued that the power to make laws belongs to the sovereign people, and can belong to it alone. On the other hand, the power to execute these

laws cannot belong to the generality, because such power consists wholly of particular acts which fall outside the competency of lawmaking as such.

The body politic, therefore, needs an agent of its own to bind it together, to set it to work under the direction of the general will, to serve as a means of communication between the (people as) state and the (people as) sovereign. Here we have the basis of government, something which is often confused with the sovereign whose minister it is.

What then is government? It is an intermediate body, set up between the (people as) subjects and the (people as) sovereign, to secure their mutual correspondence, to execute the laws and to maintain liberty. The members of this body are called governors.

Government is hence simply and solely a commission, in which the governors, mere officials of the sovereign people, exercise in their own name the power which is invested in them by the people. This delegated power the sovereign people can limit, modify, or recover at pleasure.

The government gets from the (people as) sovereign the orders which it gives to the (people as) subjects. For the state to be properly balanced there must be an equality between the power of the government and the power of the citizens, for the latter are, on the one hand, sovereign, and, on the other hand, subject.

None of these three terms—*sovereign*, *subjects*, *government*—can be altered without the equality being instantly destroyed. If the sovereign tries to govern, if the government tries to give laws, or if the subjects refuse to obey, disorder replaces order, force and will no longer act together, and the state is dissolved into despotism or anarchy.

Government, then, is distinct from society, sovereignty, legislator, law, and so on. Its function is to administer the laws. What form should it have?

There has been at all times much dispute concerning the best form of government. Is it democratic? Aristocratic? Or monarchical? This question, "What, absolutely, is the best form of government?" is unanswerable and indeterminate. The fact is that each is in some cases the best, and in others the worst.

Let us see. Consider first the notion of democracy:

The sovereign people may commit the charge of the government to the whole people or to a majority of the people. The result would be that more citizens would be actual governors than mere private subjects. This form of government is called *democracy*.

If we take the term in the strict sense, there never has been a real democ-

racy, and there never will be. It is unimaginable that the people should remain continually assembled to devote their time to public affairs.

Besides, how many conditions, difficult to unite, would such a form of government presuppose! First, a very small state, where the people can readily be got together and where each citizen can with ease know all the rest. Second, great simplicity of manners, to prevent business from multiplying and raising thorny problems. Third, a large measure of equality in rank and fortune, without which equality of rights and authority cannot long subsist. Fourth, little or no luxury, for luxury either comes of riches or makes them necessary.

Moreover, it is a certainty that promptitude in execution diminishes as more people are put in charge of it. Where prudence is made too much of, not enough is made of fortune; opportunity is let slip, and deliberation results in the loss of its object.

It may be added that no form of government is so subject to civil wars and intestinal agitations as democracy, because there is none which has so strong and persistent a tendency to change to another form, or which demands more vigilance and courage for its maintenance. Were there a people of gods, their government would be democratic. So perfect a government is not for men.

Obviously, pure democracy is unsuited to the needs of the modern state. Another possibility is an elected aristocracy. It holds more promise:

The sovereign people may restrict the government to a small number, so that there are more private citizens than magistrates. This is named *aristocracy*.

There are three sorts of aristocracy: natural, elective, and hereditary. The first is only for simple peoples; the second is the best, and is aristocracy properly so-called; the third is the worst of all governments.

There is much to be said for an elective aristocracy. It has the advantage of keeping clear the distinction between the two powers, sovereignty and government. Besides this, its members are chosen to be governors, not born to this office, as in the case of a pure democracy or an hereditary aristocracy. By this means uprightness, understanding, experience, and all other claims to pre-eminence become so many guarantees of wise government.

It is more efficient. Assemblies are more easily held; affairs are better discussed and carried out with more order and diligence; the credit of the state is better sustained abroad.

It is more economical. There is no need to multiply instruments, or get twenty thousand men to do what a hundred picked men can do better.

However, if an elective aristocracy does not demand all the virtues needed by popular government, it demands others which are peculiar to itself; for instance, moderation on the side of the rich, and contentment on the side of the poor. If this form of government carries with it a certain inequality of

fortune, this is justifiable on the grounds that the administration of public affairs may be entrusted to those who are most able to give them their whole time.

In Rousseau's day the commonest form of government was hereditary monarchy. It has its good points and its bad points. Thus:

The sovereign people may concentrate the whole government in the hands of a single person from whom all others hold their power. This form of government is the most usual, and is called *monarchy*.

No form of government is more vigorous than this. All answer to a single motive power. All the springs of the machine are in the same hands. The whole moves toward the same end. There are no conflicting movements to cancel another. In no constitution does a smaller amount of effort produce a greater amount of action. Archimedes seated quietly on the bank of a river, easily drawing a great floating vessel, stands in my mind for a skillful monarch governing vast estates from his study, moving everything while he seems himself unmoved.

For a monarchical state to have a chance of being well governed, its population and extent must be proportionate to the abilities of its governor. It is easier to conquer than to rule. With a lever long enough, the world could be moved with a single finger; to sustain it requires the shoulders of Hercules.

These are some of the virtues to be expected in monarchy. However, Rousseau goes on to note possible defects:

Everything conspires to take away from a man who is set in authority the sense of justice and reason.

Kings desire to be absolute, and men are always crying out to them from afar that the best means is to get themselves loved by their people. This is all very well, and true enough in some respects. Unfortunately, it will always be derided at court. The power that comes of a people's love is no doubt the greatest; but it is precarious and conditional, and princes will never rest content with it. The best of kings desire to be in a position to be wicked, if they so please, without forfeiting thereby their mastery. Political sermonizers may tell them, to their hearts' content, that the people should be prosperous, numerous, and formidable. Kings know this to be untrue. Their personal interest is that the people should be weak, wretched, and unable to resist them.

There is an essential and inevitable defect which will always rank a monarchy below a republic. It is this. In a republic the people hardly ever raises men who are unenlightened and incapable to the highest positions; whereas, under a monarch, those who rise to power are most often petty blunderers, petty swindlers, petty intriguers, men whose petty talents cause them to get

into stations of the greatest eminence at court. The people is far less often mistaken in its choice than the monarch. A man of real worth among the king's ministers is almost as rare as a fool at the head of a republic.

Another disadvantage in *monarchical government* is the lack of any continuous succession. When one king dies, another is needed. In the case of an elective monarchy, dangerous interregnums occur, and are full of storms; unless, that is, the citizens are upright and disinterested to a degree which seldom goes with this kind of government.

What has been done to prevent these evils? Succession has been made hereditary in certain families. That is to say, men have chosen rather to be ruled by children, monstrosities, or imbeciles than to endure disputes over the choice of good kings. Apparent tranquillity has been preferred to wise administration.

These difficulties have not escaped our political writers. But they are not troubled by them. The remedy, they say, is to obey without a murmur: God sends bad kings in His wrath, and they are to be borne as the scourges of heaven. Such talk is doubtless edifying, but it would be more in place in a pulpit than in a political book. What are we to say of a doctor whose whole art is to exhort the sufferer to patience?

By way of conclusion we may note the fundamental fact from which political instability continually proceeds:

All forms of government contain within them the seeds of destruction and dissolution. As the particular will acts constantly in opposition to the general will, the government continually exerts itself against the sovereign. The greater this exertion becomes, the more the constitution changes. This is the unavoidable and inherent defect which, from the very birth of the body politic, tends ceaselessly to destroy it, as age and death end by destroying the human body.

Such is the natural and inevitable tendency of the best constituted governments. If Sparta and Rome perished, what state can hope to endure for ever? We desire a long-lived form of government? Let us not dream of making it eternal. If we are to succeed, we must not attempt the impossible; nor must we flatter ourselves that we are endowing the work of man with a stability which human conditions do not permit.

The body politic begins to die as soon as it is born, and carries in itself the causes of its own destruction. The state is a work of art, not of nature. It is for men to prolong its life as much as possible, by giving it the best possible constitution. But even the best will have an end.

The life principle of the body politic lies in the sovereign authority. The legislative power is the heart of the state; the executive power is its brain. The brain may become paralyzed, and the body still live. But as soon as the heart

ceases to perform its function, the organism is dead. Wherever the laws grow weak as they become old, there is no longer a legislative power, and the state is dead.

Note on Sources. The Rousseau material in this section is quoted, abridged, or paraphrased from his *Social Contract*.

Reading References. The number of books written on Rousseau is large. Each generation has found it necessary to take stock of his ideas. Lord Morley's *Rousseau* is good reading for those who continue to share Lord Morley's typically nineteenth-century rationalism and liberalism. A provocative chapter on *The Social Contract* is to be found in Bernard Bosanquet's *Philosophical Theory of the State*. The author stresses the fact that Rousseau's self-imposed problem was *not* how to justify revolution, but how to justify restraint of the individual by the state. A good biography is to be found in Matthew Josephson's *Jean Jacques Rousseau*. The best comprehensive accounts of Rousseau's ideas are to be found, so far as books written in English are concerned, in C. W. Hendel's two volumes, *Rousseau as Moralist*, and in Matthew Josephson's book.

The following are some books published since 1940:

Cassirer, E. *Rousseau, Kant and Goethe*.

———. *The Question of Jean-Jacques Rousseau*.

Chapman, J. W. *Rousseau: Totalitarian or Liberal*.

Durkheim, E. *Montesquieu and Rousseau: Forerunners of Sociology*.

Feuchtwanger, L. *'Tis Folly To Be Wise* (A novel on Rousseau).

Green, F. C. *Jean Jacques Rousseau: A Critical Study of His Life and Writings*.

Osborn, A. M. *Rousseau and Burke: A Study in the Idea of Liberty in Eighteenth Century Political Thought*.

READING QUESTIONS

1. It is well to distinguish these two matters at the beginning: (a) What it is he does not know. (b) Question he thinks he can answer.
2. Why he turns aside to deal with the "might makes right" doctrine. Any two of his criticisms.
3. Why men exchange the state of nature for a politically organized society.
4. This (No. 3) transition is effected, underwritten, marked, by the "social contract." The terms of this contract. The parties to it.

Does it refer to the setting up of a state or the setting up of a government?

5. Losses and gains to be chalked up to passing from the state of nature to civil society.
6. Those who enter the social contract thereby create a "moral and collective body," a "public person." Is this metaphor?
7. The object of the general will. What, continued, would prove the undoing of the body politic.
8. Whoever refuses to obey the general will shall be compelled to do so. Why this is not tyranny, despotism, arbitrary coercion.
9. Rousseau's answer to the question, "Who are sovereign?" Contrast Rousseau here with James I and Hobbes.
10. Why a people needs a legislator or legislature.
11. Why it would take Gods to give men laws.
12. What a person sets himself to do, who undertakes to give institutions to a people.
13. Why there should be a separation between legislator and (a) the constitution, (b) the executive.
14. So long as laws express the general will, those who obey them obey their own wills. How so (see No. 8).
15. Is a person's relation to the social contract the same as his relation to a law? If not, wherein not?
16. His distinction between state and government. Why this was a revolutionary distinction.
17. The sovereign people may commit the charge of government to the whole people or a majority, to a small number of the people, or to a single person. Rousseau's opinion of each resulting form of government.
18. The unavoidable and inherent defect which tends ceaselessly to destroy the body politic.
19. Why Rousseau would not speak of a democratic or aristocratic or monarchical state. How he would have revised Louis XIV's remark "I am the state."
20. Give a connected account of these notions according to Rousseau: (a) state of nature (b) social contract (c) civil state (d) general will (e) law (f) legislator (g) government (h) dissolution.
21. Wherein you find Rousseau (a) most (b) least convincing.

4. PRINCIPLES OF CONSERVATISM —FROM EDMUND BURKE

From Rousseau to Burke. Rousseau published *The Social Contract* in 1762. The American Revolution began in 1775. It was scarcely over