Summary of this lecture

• What is the aim of these lectures and what are they about?
• If morality is a social contract, are we contractually obliged to obey the law?
• Why did Thomas Hobbes think that morality is a social contract between the strong and the weak to avoid a war of all against all?
• Why did Jean Jacques Rousseau think that morality is a social contract between the rich and the poor to uphold private property and promote innovation and collective self-interest?
• What did Edmund Burke, Mary Wollstonecraft and David Hume have to say about all this?
What is Political Obligation?

• Do we have an obligation to obey the law?
What is Political Obligation?

- Do we have an obligation to obey the law
  - The law = ‘the law of the land’, universal, coercive, non voluntary laws and regulations that have been established by political authority
  - Obligation = ‘morally ought’, it is not enough that the law is universal, coercive and non-voluntary, obedience is just something we owe to it
  - We = ‘moral agents’, there may be people who either do not recognize the validity of a moral system or who are just bad – these people do not concern us.
What is Political Obligation?

• If you are a moral person then you are obliged to obey the law

• This is a *CONDITIONAL STATEMENT*

• The truth of conditional statements does not depend on the truth is the *antecedent* (whether you are a moral person) or the *consequent* (whether you have an obligation to obey the law)

• A conditional statement is true if, and only if, its antecedent cannot be true and its consequent false

• Therefore, what these lectures are concerned about is finding a moral theory and an understanding of obligation whereby all those who are moral (according to the theory) are obliged to obey the law.
What is Political Obligation?

• We will consider four classes of moral theory, according to which people are obliged to obey the law
  1. Classical Social Contract Theory – you are obliged to obey the law because you have consented to do so
  2. Hypothetical Social Contract Theory – you are obliged to obey the law because you would consent to do so, under the right conditions
  3. Fair Play Theory – you are obliged to obey the law because you have benefited, in a certain way, from others obedience to it
  4. Natural Duties – you are obliged to obey the law because you have a basic duty to do support the institutions of justice

• We will also consider (philosophical) Anarchism, the claim that we have no special moral obligation to obey the law.
Classical Social Contract Theory

• Morality is a human construct that is designed to solve a human problem.

• This problem can be understood by means of a supposed ‘state of nature’, that is a state in which there is no social contract.

• The state of nature may be thought of as a historical state, what things were like before the social contract, to a merely counterfactual state, what things would be like without the social contract.

• Morality is a means of avoiding or escaping this state of nature, it is an agreement that we all consent to for this reason and it is this consent that obliges us to obey the law.
Thomas Hobbes

- Lived 1588-1679. Strongly influenced by 1) the scientific revolution and 2) The English revolution and civil war.

- The state of nature for Hobbes is primarily a hypothetical state but is one that people approach under conditions of anarchy such as during the English Civil War.

- Morality exists in an objective sense for Hobbes, he lists many principles of ‘natural law’ (e.g. keep your promises, respect people’s property), but this are not exhaustive. The ultimate principle of morality is don’t do anything to others that you would not have them do to you (L214)

- This is a negative version of the ‘golden rule’, which is found in almost every ethical tradition around the world.
• However, morality cannot be realised in the state of nature

• People are governed by an hedonic treadmill (not Hobbes’ term). For Hobbes this is a version of the law of the conservation of momentum - desires are 'internal motions towards and object' and when a thing is in motion it will eternally be in motion, unless something else stay it (L186)

• In the absense of external controls upon our desires therefore the state of nature is a state of extreme scarcity, human desires will inevitably exceed the resources available to satisfy them and people will always want more than they can have.

• Even the strongest fear the weakest, because the weak want what the strong have got. Even the weakest fear the strongest, because they face preemptive attacks to reduce this threat. There is a war of all against all
Thomas Hobbes

• In the state of nature people face a dilemma:
  1. On the one hand they know that they should act morally, and that this requires not doing to others what they would not want to be done to them.
  2. On the other hand, they not only have the desire to take what others have, but also feel a constant threat that others will take what they have.

• Life is not only ‘solitary, poor, nasty, brutish and short’ (L 187), it is also unfair!

• The solution to this ‘collective action problem’ is to abolish the state of nature by agreeing to be subject to the rule of a sovereign, an individual who will be able to ‘keep the peace’ and stay the desires of their subjects, in return however this individual will be allowed to govern with absolute sovereignty as the only defense against a return to the state of nature.
Jean-Jaques Rousseau

- Lived 1712-78. Also strongly influenced by the enlightenment, but far more rationalistic and utopian than Hobbes. Made his name winning prestigious essay competitions due to the power of his writing and the originality of his ideas. Highly controversial!

- For Rousseau the state of nature is an actual state before, not just without, the social contract. (although he also said that this was blasphemous as it would not have been possible for complex societies to have developed from such a state in the limited time since creation!)

- When we imagine the state of nature, the important thing is not to imagine ‘modern’ people freed from the subjection of laws and the state, but to imagine what people would have been like before these were even thought of
Jean-Jaques Rousseau

- Would people have lived in a state of scarcity? No. Firstly because there would have been many fewer people, so no shortage of natural resources. Secondly because in the absence of complex society there would be so many fewer things for people to do with the resources they have, limiting the scope of their desires.

- Would people come into conflict with one another? No. People are naturally sympathetic and considerate towards one another. Since they would not face scarcity they would not have any reason to come into conflict but would be motivated to help each other freely out of a sense of compassion and companionship.

- Would the state of nature be much fun? No. People would be free and would live peacefully, but they would be strongly limited in what they could do and would have a poor quality of life.
Jean-Jaques Rousseau

• Peoples companionability and their desire to live better lives will eventually drive them to cooperate. This creates two problems:

1. People start producing a wider variety of goods, including luxury goods, and will grow in number - leading to scarcity.

2. People need to agree on rules to govern the distribution of goods within society and to determine who owns what. Since there will be winners and losers this leads to conflict.

• Hence the Social Contract is devised as a means of facilitating cooperation and preventing conflict. People are much better off than they were in the state of nature, but they no longer interact freely and must obey the law - "Men are born free but are everywhere in chains" (SC 1)
Jean-Jaques Rousseau

- People are no longer free under the social contract because laws are imposed upon them against their will.

- Since it is better to live in a complex society than the state of nature, it is the ‘general will’ that such laws continue although they remain highly unfair.

- People can regain their freedom if they can come to control the laws that govern them. This cannot be achieved by dictatorship or democracy, because these involves some people imposing their will on others. It can only be achieved if the group come to a consensus position about what rules should govern them (the will of all).

- Rousseau believed that small republics with ideal constitutions could actually achieve this.
Note that the argument goes both ways here.

Rousseau seems to be rejecting Hobbes’s version of the social contract, for instance on the grounds that he assumes that individuals face unavoidable conflicts when these would not arise in a ‘true’ state of nature.

However, Hobbes, had he come later, would likely have also objected to Rousseau’s version of the social contract e.g. on the grounds that he assumes that private property emerges only after individuals start to cooperate, rather than reflecting a natural extension of the golden rule - giving us a right to possess things that are not owned by anyone else.

You must decide for yourself whose arguments are stronger, or whether they are both right/wrong. However you will need to give reasons for your decision.
Edmund Burke

- Lived 1729-1797. Whig politician and MP (famously came up with the distinction between elected politicians as ‘representatives’ and ‘delegates’). Strongly influenced by the English and American Revolutions (which he supported) and the French Revolution (which he opposed).

- The social contract is not about avoiding a state of nature, but preserving a state of justice, peace and security.

- The contract is not between rich and poor or strong and weak but “a partnership not only between those who are living, but between those who are living, those who are dead, and those who are to be born” (RoR 261)

- Institutions of justice were involved sacrifices by our ancestors, and we owe it to future generations not to jeopardise them. Whilst injustices should be corrected that has to be done piecemeal and within the law. Law breaking and revolution jeopardise these institutions and so harm future generations.
Mary Wollstonecraft

• Lived 1759-1797. Writer and philosopher, in her time mostly known for her travel journal and practical guide to the education of girls.

• Publicly debated with Edmund Burke during "perhaps the last real discussion of the fundamentals of politics" – the Revolution Controversy of 1790-95.

• The social contract can be used to justify existing injustices, such as slavery, simply because these are ‘traditional’ and form part of the fabric of society (VRoM).

• Women, in particular, deserve to take their place alongside men as members of society. Rousseau envisaged women as forming part of men’s ‘private property’ and argued that they should not be educated, except so as to make them better wives and mothers (VRoW).

• This begs the question, to what extent is social contract theory just morality as written by the victors?
David Hume

• Lived 1711-1776. Enlightenment Skeptic - you will be hearing a lot more about him during your degree

• The social contract misdescribes the nature of the law - “Were you to preach ... that political connections are founded altogether on voluntary consent or a mutual promise, the magistrate would soon imprison you... if your friends did not before shut you up as delirious for advancing such absurdities” (OOC 475)

• The social contract relies upon a ridiculous notion of consent - “We may as well assert that a man, by remaining in a vessel, freely consents to the dominion of the master; through he was carried aboard asleep, and must leap into the ocean and perish, the moment he leaves her” (OC 119)
Housekeeping Notices

• Feel free to get in touch with me after the lecture or via e-mail sjb316@cam.ac.uk

• I am a Researcher at the Centre for the Study of Existential Risk

• I hope to have recordings available for all of these lectures available for you, you will get a message about this shortly
References


