

A HISTORY OF
POLITICAL THEORY

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GEORGE F. SABINE

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A HISTORY OF
POLITICAL THEORY

BY

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in a time of disorder, but their position in the sixteenth century was more significant than that. They were among the first who envisaged the possibility of tolerating several religions within a single state. Though mostly Catholic themselves, they were before everything nationalist, and in their political thinking they were prepared to face the solidest political fact of the age, namely, that the division of Christianity was irreparable and that no single sect could either convince or coerce the others. The policy which they advocated, accordingly, was to save what might still be saved from the wreck; to permit religious differences which could not be healed and to hold together French nationality even though unity of religion was lost. Such had been the policy of Catherine de' Medici's chancellor L'Hôpital at the very opening of the civil wars and such was the general policy of settlement which prevailed under Henry IV. Sane as this policy was, it seemed irreligious to most men in the sixteenth century; the Politiques were described by one of their enemies as "those who preferred the repose of the kingdom or their own homes to the salvation of their souls; who would rather that the kingdom remained at peace without God than at war with Him." There was an element of truth in this gibe. The Politiques certainly commended religious toleration as a policy rather than as a moral principle. They never denied the right of the state to persecute or questioned the advantages of a single religion. But they perceived that religious persecution was in fact ruinous and they condemned it on this utilitarian ground. In a general way Bodin was related to this group, and he intended by his book to support their policy of toleration and also to supply a reasoned basis for enlightened policy in respect to many practical questions that arose in a distracted age. But he was emphatically no opportunist. His *Republic* was intended to supply the principles of order and unity upon which any well-ordered state must rest.

Bodin's political philosophy was a singular mixture of the old and the new, as all philosophical thought in the sixteenth century was. He had ceased to be medieval without becoming modern. A lawyer by profession, he won the enmity of his fellow lawyers by advocating an historical and comparative study of law, in place of an exclusive devotion to the texts of Roman law. Both law and politics, he insisted, need to be studied not only in the light

helped him to import the notion of moral obligation into social relations, and this added a good deal of plausibility to his argument. Strictly speaking he is saying merely that in order to cooperate men must do what they dislike to do, on pain of consequences which they dislike still more. In no other sense is there logically any obligation whatever in Hobbes's system.

Hobbes's thought on this point can be stated, perhaps more accurately, by using the legal conception of a corporation instead of contract, as he did in *De cive*.⁸ A mere multitude, he argues, cannot have rights and cannot act; only individual men can do this, a conclusion which follows from the proposition that any collective body is merely artificial. Consequently, to say that a body of men acts collectively really means that some individual acts in the name of the whole group as its accredited agent or representative. Unless there is such an agent the body has no collective existence whatever. Hence Hobbes argues with perfect logic; if his premises be admitted, that it is not consent but "union" which makes a corporation, and union means the submission of the wills of all to the will of one. A corporation is not really a collective body at all but one person, its head or director, whose will is to be received for the will of all its members. On this analogy it follows, of course, that society is a mere fiction. Tangibly it can mean only the sovereign, for unless there be a sovereign there is no society. This theory is applied consistently by Hobbes to all corporations. Any other theory, he holds, would make them "lesser commonwealths," "like worms in the entrails of a natural man." The state is unique only in having no superior, while other corporations exist by its permission.

DEDUCTIONS FROM THE FICTITIOUS CORPORATION

From this view of the matter follow some of Hobbes's most characteristic conclusions. Any distinction between society and the state is a mere confusion, and the same is true of a distinction between the state and its government. Except there be a tangible government — individuals with the power to enforce their will — there is neither state nor society but a literally "headless" multitude. Few writers have held this opinion as consistently as Hobbes. It follows also that any distinction between law and

⁸ Chs. 5, 6.

morals is a confusion. For society has only one voice with which it can speak and one will which it can enforce, that of the sovereign who makes it a society. Very properly does Hobbes call his sovereign a "mortal God" and unite in his hands both the sword and the crozier.

This theory of corporate bodies lies also at the root of Hobbes's absolutism. For him there is no choice except between absolute power and complete anarchy, between an omnipotent sovereign and no society whatever. For a social body has no existence except through its constituted authorities, and its members no rights except by delegation. All social authority must accordingly be concentrated in the sovereign. Law and morals are merely his will, and his authority is unlimited, or is limited only by his power, for the good reason that there is no other authority except by his permission. Evidently, also, sovereignty is indivisible and inalienable, for either his authority is recognized and a state exists or it is not recognized and anarchy exists. All the necessary powers of government are inherent in the sovereign, such as legislation, the administration of justice, the exercise of force, and the organization of inferior magistracies. Hobbes relieved sovereignty completely from the disabilities which Bodin had inconsistently left standing. But his disjunctions have nothing to do with the nuances of actual political power. His theory was pure logical analysis.

There was another side to his theory of sovereign power which Hobbes emphasized less but to which he was by no means blind. For controversial purposes he stressed the fact that resistance to authority can never be justified, since justification would require the approval of authority itself. It followed equally, however, that resistance will in fact occur wherever government fails to produce that security which is the only reason for subjects' submission. The only argument for government is that it does in fact govern. Hence if resistance is successful and the sovereign loses his power, he *ipso facto* ceases to be sovereign and his subjects cease to be subjects. They are then thrown back upon their individual resources for self-protection and may rightly give their obedience to a new sovereign who can protect them. There was no room in Hobbes's theory for any claim of legitimacy without

power, and it was this which gave offense to royalists. This consequence of his theory was most clearly stated in *Leviathan*, the only one of his books on politics written after the execution of Charles and when, as Clarendon says, Hobbes had "a mind to go home." But it was at all times a perfectly evident implication of his principles and he had referred to it in *De cive*. On utilitarian grounds government — any government — is better than anarchy. Monarchical government he thought more likely to be effective than any other kind, but the theory is equally good for any government that can preserve peace and order. Later thinkers had no difficulty, therefore, in adapting it to a republican or parliamentary form of government.

Since government consists essentially in the existence of sovereign power, it follows for Hobbes as for Bodin that the difference between forms of government lies solely in the location of sovereignty. There are no perverted forms of government. People impute perversion, with such terms as tyranny or oligarchy, only because they dislike the exercise of a power, just as they use terms of approval, like monarchy or democracy, if they like it. There is certain to be sovereign power somewhere in every government and the only question is who has it. For the same reason there is no mixed government and no limited government, since the sovereign power is indivisible. Someone must have the last decision and whoever has it and can make it good has sovereign power. Probably there is nothing in political literature that more perfectly illustrates the inability of a congenital utilitarian to enter into the spirit of a revolutionary age than these chapters in which Hobbes argues that all governments which keep order come to the same thing in the end. The aspiration for more justice and right seemed to him merely an intellectual confusion. Hatred of tyranny seemed mere dislike of a particular exercise of power, and enthusiasm for liberty seemed either sentimental vamping or outright hypocrisy. Hobbes's account of the civil wars in his *Behemoth* makes them a strange mixture of villainy and wrong-headedness. The clarity of his political system had nothing to do with understanding human nature in politics.

From the theory of sovereignty it is only a step to that of the civil law. In the proper sense of the word, law is the "command

of that person . . . whose precept contains in it the reason of obedience." ⁹ It is "to every subject, those rules, which the commonwealth hath commanded him, by word, writing, or other sufficient sign of the will, to make use of, for the distinction of right, and wrong." ¹⁰ He was careful to point out that this definition sharply distinguishes civil from natural law, for the former is a command sanctioned by enforcement while the latter is a dictate of reason. The law of nature is law only in a figurative sense, for the imperative or coercive aspect of civil law is the essence of it. This, Hobbes explains, is the confusion in the position both of parliamentarians and of common lawyers like Coke. The former imagine that there is some virtue in the consent of a representative body and the latter that there is some validity in custom. In fact it is the enforcing power that makes the precept binding and the law is his who has the power. He may allow custom to persist, but it is his tacit consent which gives it the force of law. Doubly absurd is Coke's superstition that the common law has a reason of its own. Similarly, the sovereign may consult parliament or permit it to frame statutes, but the enforcement is what makes them law. Hobbes assumes that enforcement takes place in the king's name, but there is nothing in his theory contrary to the sovereignty of parliament, provided that body can both make the law and control its administration and execution. Hobbes was wrong in thinking that he could bolster up absolute monarchy but he was not mistaken in believing that centralized authority in some form was to be a chief mark of modern states.

Since the laws of nature merely state the rational principles upon which a state can be constructed, they are not limitations on the authority of the sovereign. Hobbes's argument sounds like a quibble but there was reason behind it. No civil law, he says, ever can be contrary to the law of nature; property may be a natural right but the civil law defines property, and if a particular right is extinguished, it simply ceases to be property and so is no longer included under the law of nature. What limits the sovereign is not the law of nature but the power of his subjects. Hobbes's sovereign is faced by a condition and not a theory, but there can be no limitation of the civil law in its own field. Bodin's

⁹ *De cive*, ch. 14, 1.

¹⁰ *Leviathan*, ch. 28.

theory. It is safe to say, therefore, that nothing was lost when he abandoned his more extended work. The general will and the criticism of natural right comprised everything of importance that he had to say. The practical uses to which that theory might be put were various, and Rousseau had neither the knowledge nor the patience to explore them. His belief that a small community like the city-state is the best example of the general will made it impossible for him to discuss contemporary politics with much point.

The development of the theory of the general will in the *Social Contract* was involved in paradoxes, partly because of the cloudiness of Rousseau's ideas but partly, it seems, because he had a rhetorician's liking for paradox. Manifestly, in view of his criticism of the natural man, he ought to have avoided the notion of contract altogether as both meaningless and misleading. Seemingly he retained the phrase because he liked its popular appeal, and in order not to make the inconsistency too glaring, he deleted the criticism of the state of nature which he had written against Diderot. Not content with this complication, after introducing the contract he explained it away, so far as any definite contractual meaning was concerned. In the first place, his contract has nothing to do with the rights and powers of government, since the latter is merely the people's agent and is so devoid of independent power that it cannot be the subject of a contract. In the second place, the imaginary act by which a society is produced is not even remotely like a contract, because the rights and liberties of individuals have no existence at all except as they are already members of the group. Rousseau's whole argument depended upon the fact that a community of citizens is unique and coeval with its members; they neither make it nor have rights against it. It is an "association" not an "aggregation," a moral and collective personality. The word contract was about as misleading as any that Rousseau could have chosen.

The social order is a sacred right which is the basis of all other rights.¹⁰

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

¹⁰ *Social Contract*, I, i.

it lives its own life, fulfills its own destiny, and suffers its own fate. In accordance with the analogy of an organism, which Rousseau had developed at some length in the article on Political Economy, it may be said to have a will of its own, the "general will" (*volonté générale*):

If the state is a moral person whose life is in the union of its members, and if the most important of its cares is the care for its own preservation, it must have a universal and compelling force, in order to move and dispose each part as may be most advantageous to the whole.¹²

The rights of individuals, such as liberty, equality, and property, which natural law attributed to men as such, are really the rights of citizens. Men become equal, as Rousseau says, "by convention and legal right," not, as Hobbes had said, because their physical power is substantially equal.

The right which each individual has to his own estate is always subordinate to the right which the community has over all.¹³

In the community men first gain civil liberty, which is a moral right and is not merely the "natural liberty" which by a figure of speech might be attributed to a solitary animal.

THE PARADOX OF FREEDOM

So far this is perfectly true and a fair reply to the extravagances of contemporary speculation about the state of nature. Just what it entails, however, about the rights of men in society is far from obvious, and Rousseau's account of the matter sometimes contradicted itself within the limits of a single page. For example:

The social compact gives the body politic absolute power over all its members.

Each man alienates, I admit, by the social compact, only such part of his powers, goods and liberty as it is important for the community to control; but it must also be granted that the sovereign is sole judge of what is important.

But the sovereign, for its part, cannot impose upon its subjects any fetters that are useless to the community.

We can see from this that the sovereign power, absolute, sacred, and inviolable as it is, does not and cannot exceed the limits of general conventions, and that every man may dispose at will of such goods and liberty as these conventions leave him.¹⁴

¹² *Ibid.*, II, iv.

¹³ *Ibid.*, I, ix.

¹⁴ *Ibid.*, II, iv.

In other words, coercion is not really coercion because when a man individually wants something different from what the social order gives him, he is merely capricious and does not rightly know his own good or his own desires.

This kind of argument, in Rousseau and after him in Hegel, was a dangerous experiment in juggling with ambiguities. Liberty had become what Thorstein Veblen called an "honorific" word, the name for a sentiment with which even attacks on liberty wished to be baptized. It was perfectly legitimate to point out that some liberties are not good, that liberty in one direction may entail loss of liberty in another, or that there are other political values which in some circumstances are more highly esteemed than liberty. Straining language to show that restricting liberty is really increasing it, and that coercion is not really coercion, merely made the vague language of politics still vaguer. But this was not the worst of it. What was almost inevitably implied was that a man whose moral convictions are against those commonly held in his community is merely capricious and ought to be suppressed. This was perhaps not a legitimate inference from the abstract theory of the general will, because freedom of conscience really is a social and not merely an individual good. But in every concrete situation the general will has to be identified with some body of actual opinion, and moral intuitionism usually means that morality is identified with standards which are generally accepted. Forcing a man to be free is a euphemism for making him blindly obedient to the mass or the strongest party. Robespierre made the inevitable application when he said of the Jacobins, "Our will is the general will."

They say that terrorism is the resort of despotic government. Is our government then like despotism? Yes, as the sword that flashes in the hand of the hero of liberty is like that with which the satellites of tyranny are armed. . . . The government of the Revolution is the despotism of liberty against tyranny.¹⁶

The general will, as Rousseau said over and over again, is always right. This is merely a truism, because the general will stands for the social good, which is itself the standard of right. What is not right is merely not the general will. But how does

¹⁶ To the National Convention, February 5, 1794; *Moniteur universel*, 19 Pluviôse, l'an 2, p. 562.

this absolute right stand in relation to the many and possibly conflicting judgments about it? Who is entitled to decide what is right? Rousseau's attempts to answer these questions produced a variety of contradictions and evasions. Sometimes he said that the general will deals only with general questions and not with particular persons or actions, thus leaving the application to private judgment, but this conflicted with his assertion that the general will itself determines the sphere of private judgment. Sometimes he tried to make the general will equivalent to decision by a majority, but this would imply that the majority is always right, which he certainly did not believe. Sometimes he spoke as if the general will registered itself automatically by making differences of opinion cancel each other. This opinion cannot be refuted but neither can it be proved. It amounted to saying that communities — states or nations — have an inscrutable faculty for discerning their well-being and proper destiny. Rousseau originated the romantic cult of the group, and this was the fundamental difference between his social philosophy and the individualism from which he revolted. The rationalist centered his scheme of values in the culture of the individual, in intellectual enlightenment and independence of judgment and enterprise. Rousseau's philosophy emphasized the aggrandizement of a group, the satisfactions of participation, and the cultivation of the non-rational.

In Rousseau's intention the theory of the general will greatly diminished the importance of government. Sovereignty belongs only to the people as a corporate body, while government is merely an agent having delegated powers which can be withdrawn or modified as the will of the people dictates. Government has no vested right whatever, such as Locke's theory of the contract had left to it, but has merely the status of a committee. Rousseau conceived this to exclude any form of representative government, since the sovereignty of the people cannot be represented. The only free government is therefore a direct democracy in which the citizens can actually be present in town-meeting. Just why the general will should be restricted to this one form of expression is not very clear, apart from Rousseau's admiration for the city-state. Doubtless it was his belief that the theory of popular sovereignty diminished the power of the executive but this was an illusion. For though "the people" have all power and all moral

munism. The question, then, is how far this change from idealism to materialism really removed the philosophical difficulties inherent in the idea of a necessary law of historical development and in dialectic as a way of making it manifest.

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bring into existence a middle-class intelligentsia devoted to the task of making an ideology for the proletariat? Either the class-struggle does not wholly determine the mentality of the class or else it produces in the middle class a perverted form of class-consciousness that devotes itself to the destruction of the class.

Lenin's conception of the party and its relation to a proletarian movement was intelligible in the light of the situation in Russia, but it was doubtfully Marxian. Marx's emphasis had always been upon the evolution of class-consciousness under the influence of the relations of production, and apparently he always assumed that his own philosophy represented the ideology that capitalist production tended to create in the working-class. This philosophy can only "shorten and lessen the birth-pangs"; it cannot help a society to "overleap the natural phases of evolution." Lenin's conception was in principle quite different. Not only in Russia — a country in which as he repeatedly said Marxism is peculiarly in danger of being perverted by the ideas of the petty bourgeoisie — but everywhere the working class is unable to work out an ideology of its own. It is hung between two ideologies, that of the bourgeoisie and that of the middle-class socialist intelligentsia. Its fate is to be captured by one or the other and the essential tactical problem of the party is to capture it. The argument ran parallel to one that Marx had used in another connection, that the peasantry and petty bourgeoisie, having no future in a developing capitalist society, must fall under the control either of capitalists or proletarians and ultimately of the latter. Lenin used this argument of the proletariat itself. The result is that for him the rôle of the party became enormously more important, since it became responsible for a spread of socialist ideology that Marx regarded as largely a normal result of the class-struggle itself, and that the rôle of intellectuals in the party was correspondingly magnified, since they had to bring this ideology to the working class "from the outside." This explains the great importance that Lenin always attached to theory as the guide of tactics. The party became a picked body of the intellectual and moral élite, in the midst of all working-class movements, to be sure, and providing leadership, but always distinguishable from the body of workers. It seems clear that, even as early as 1902, and quite without reference to imperialist capitalism, Lenin had

stitutions in the Paris Commune of 1871 and their discovery by the incomparable insight of Marx, the painstaking elaboration of Marx's insights by Engels, the next step in proletarian government in the soviets of 1905, and of course its triumphant completion in 1917. As history this was highly imaginative, and even as exposition of Marx, though accurate in what it included, it selected what suited its purpose. But for anyone habituated to dialectical argument and convinced of the necessity of communism it was in the last degree persuasive.

Like all Lenin's writings, *State and Revolution* is filled with scorn for the perversions that opportunism have introduced into true Marxism. The famous sentence in which Engels had said that the state "withers away" has been the subject of such a perversion by being distorted into a defense of evolution against revolution. A true reading of Engels shows that it is not the bourgeois state that withers away but the proletarian dictatorship. The bourgeois state must be seized by a revolutionary uprising of the proletariat, which thus establishes its own dictatorship, destroys the old bureaucracy, and produces new agencies of government appropriate to proletarian rule. The destruction of the capitalist state is not gradual but revolutionary, and what the revolution establishes is not socialism or democracy but a transitional state, the dictatorship of the proletariat, in which all the powers of the state are used to dispossess and hold down the old exploiting class. In it the party, the fully class-conscious minority who are the natural leaders of the whole working class and the guides and teachers of all the exploited but non-proletarian classes, directs and organizes the new social order. It is this dictatorship which is to wither away, as the purposes of the revolution are gradually accomplished. Ultimately it is to end in a completely classless society, in which the absence of all exploitation and perfected education will have rendered any form of state unnecessary. The dictatorship of the proletariat, however, is a state; its essence is force, and no state is either free or popular. It is true that Lenin calls it "complete democracy," to be developed through the soviets, but democracy does not exclude an iron discipline for the whole population, in so far as the interests of the revolution require it. Writing a few years later, during the struggle against the White Armies, Trotsky said,

No organization except the army has ever controlled man with such severe compulsion as does the state organization of the working class in the most difficult period of transition.²⁷

Lenin's pamphlet pictured the Paris Commune of 1871 as the first occasion in history when the organ of suppression was really a majority and as providing the embryonic beginning of a true workers' democracy. Marx had successfully analysed these beginnings in his *Civil War in France*. The Russian Revolutions of 1905 and 1917 "continued the work of the Commune and confirmed the historic analysis made by the genius of Marx." The purpose of this argument was to bring the soviets within the circle of Marxian theory and to connect the revolutions in Russia directly with what Marx and Engels had regarded as the beginning of proletarian revolution. In point of fact, the *Civil War in France* was an able defense of the Commune against the current vilification of it, but the account of its supposedly positive additions to government was vague in the extreme. The communes are representative but not parliamentary; they are working assemblies and not talking shops; they stand for voluntary centralism but not federalism. Officials are reduced to the status of moderately paid clerks and technical experts are to be hired at workers' wages. It does not appear that when he wrote Lenin had a more precise conception of the forms of proletarian government or of the institutions needed to solve the problems which the Revolution would meet in the following years. These problems were indeed met, often with astonishing success and always with iron determination, but by a method of trial and error that owed little to any theory of political organization. What was constant was not a theory but an end, the ideal of a collectivist society managed in the interests of the masses by a disciplined minority absolutely devoted to its mission.

The dictatorship of the proletariat, according to Lenin's theory, is not communism; it is the period of transition in which the state is withering away. Only in this future, classless society can one speak of freedom, when long habituation to a planned social life and the absence of any exploiting class have removed the need for any apparatus of suppression. Such a society can come into

²⁷ *Dictatorship vs. Democracy*, New York, 1922, p. 170; a reply to Kautsky's *Terrorism and Communism*.