

Evils are sufferable, than to right themselves by abolishing the Forms to which they are accustomed. But when a long Train of Abuses and Usurpations, pursuing invariably the same Object, evinces a Design to reduce them under absolute Despotism, it is their Right, it is their Duty, to throw off such Government, and to provide new Guards for their future Security.

### C. INDIVIDUAL RIGHTS AND FREEDOM

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If our concern were only the smooth workings of society, almost any government would do—the stronger the better, the more authoritarian the more efficient. But efficiency is only one of several concerns and probably not the most important. You might argue that the public interest could be served by such a government, but it is clear that justice and individual rights could not. The importance of the social contract theory (and consent-of-the governed theories in general) is precisely its clear emphasis on justice and rights, even when these go against the general public interest. However, the social contract theory by itself is not entirely clear about the status of individual rights. Those rights concerning freedom are of particular concern here. How much personal freedom does the social contract guarantee us? Thus any discussion of justice and the state must include some special concern for the status of basic freedoms and “unalienable rights” (that is, rights that no one and no government may take away), such as freedom to speak one’s political opinions without harassment, freedom to worship (or not worship) without being penalized or punished, freedom to defend oneself against attack (“the right to bear arms” is a controversial case), and the freedom to pursue one’s own interests (where these do not interfere with the rights of others). In addition, we can add the right not to be imprisoned without reason, or accused without a fair trial, or punished unduly for a crime committed. Our best-known list of such freedoms and rights is the American Bill of Rights, appended to the main body of the Constitution as a kind of contractual guarantee of personal rights.

#### *1. The Proper Extent of the State*

But even if the importance of such rights is indisputable, the precise formulation and extent of those rights are highly debatable. We speak of “unalienable rights,” but should such rights be left unrestricted, for example, even in wartime? It is clear, to mention the most common example, that freedom of speech does not extend so far as the right to falsely yell “fire” in a crowded theater. Freedom of speech, therefore, like other rights, is limited by considerations of public welfare and utility. But how limited? Is mere annoyance to the government sufficient, or general boredom among the populace? Similarly, we can go back to the difficult examples we raised in earlier sections. Are the rights against imprisonment and harsh punishment always valid against overwhelming public interest? For example, are they valid in the case of a

criminal who has committed crimes repeatedly? Or, to take a difficult example, is "free enterprise" an "unalienable" right in our society? Or is free enterprise rather a theory (and a debatable one) that suggests that public interest and justice will best be served by open competition and a free market? But that theory evolved before modern monopolies developed and before it was obvious that "free" markets could be manipulated so as not to be either free or in the public interest at all. Is that "freedom" still a right? Or should it also be tempered by other concerns?

One of the most important basic rights is the presumed right to own private property. John Locke, writing just after the English ("Glorious") Revolution of 1688, listed three basic rights that would become the main ingredients of both the American Declaration of Independence and a still-prominent political philosophy called liberalism. Foremost among them were "life, liberty, and the right to own private property." (The original draft of the American Declaration included just these three, but Jefferson replaced the last with the less committal "pursuit of happiness.") For Locke, private property is the bulwark of freedom and the basis of other human rights. One's own body is private property in the most basic sense; no one else has the authority to violate or use it without permission. Most contemporary societies recognize this right to one's own body as fundamental. But then Locke adds that the right to own property that one has helped cultivate with his or her body ("hath mixed his labour with it") is also basic to freedom and human dignity. The Protestant work ethic emerges very powerfully in this view, in which work and rights are treated together, the first being our way of earning the second:

FROM *THE SECOND TREATISE ON GOVERNMENT*,  
BY JOHN LOCKE

Though the earth and all inferior creatures be common to all men, yet every man has a *property* in his own *person*. This nobody 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 it, and joined 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. For his 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.

He that is nourished by the acorns he picked up under an oak, or the apples he gathered from the trees in the wood, has certainly appropriated them to himself. Nobody can deny but the nourishment is his. I ask, then, when did they begin to be his? when he digested? or when he ate? or when he boiled? or when he brought them home? or when he picked them up? And 'tis plain, if the first gathering made them not his, nothing else could. That labour put a distinction between them and common. That added something to them more than Nature, the common mother of all, had done, and so they became his private right. And

will any one say he had not right to those acorns or apples he thus appropriated because he had not the consent of all mankind to make them his? Was it a robbery thus to assume to himself what belonged to all in common? If such a consent as that was necessary, man had starved, notwithstanding the plenty God had given him. We see in commons, which remain so by compact, that 'tis the taking any part of what is common, and removing it out of the state Nature leaves it in, which begins the property, without which the common is of no use. And the taking of this or that part does not depend on the express consent of all the commoners. 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 without the assignation or consent of any body. The labour that was mine, removing them out of that common state they were in, hath fixed my property in them.

And thus, I think, it is very easy to conceive, without any difficulty, how labour could at first begin a title of property in the common things of nature, and how the spending it upon our uses bounded it; so that there could then be no reason of quarrelling about title, nor any doubt about the largeness of possession it gave. Right and conveniency went together. For as a man had a right to all he could employ his labour upon, so he had no temptation to labour for more than he could make use of. This left no room for controversy about the title, nor for encroachment on the right of others. What portion a man carved to himself was easily seen; and it was useless as well as dishonest to carve himself too much, or take more than he needed.<sup>13</sup>

It is important to point out that discussions of rights should never be set apart from discussions of political duties and obligations. As the several versions of the social contract make clear, these are always part of one and the same agreement—certain rights in return for certain obligations. To discuss freedom of speech, for example, without also discussing the obligation to be well informed and logically coherent, is to provide a dangerously one-sided view of the problem. One way of developing this idea of an exchange of rights and obligations has been to distinguish two different senses of “freedom”: a *negative* freedom from interference and a *positive* freedom to realize one’s own potential and find one’s place in society. Freedom from interference may be necessary for a person to enjoy life and contribute to the welfare of those around him or her, but a person also needs positive goods—health and education, for example. Thus freedom takes on a double meaning, freedom *from* interference but freedom *to* participate in society too. Since positive freedom also includes a person’s being able to take on responsibilities, some philosophers have pointed out a paradox in the idea of being “free to perform obligations.”

The idea that one is “free to perform obligations” may sound odd to us because we are so used to talking exclusively about freedom from constraints and the de-

<sup>13</sup> John Locke, *The Second Treatise on Government* (New York: Hafner, 1956).

mands made by authority. But one theme that has recurred since the ancient Greeks is that all rights and “freedoms from” must be coupled with duties and obligations and the freedom to perform them. In Rousseau, for example, the citizen’s obligations to the state are just as important as the state’s obligations to its citizens. Many philosophers are concerned that simple freedom from constraint leaves people without direction or morality and can easily degenerate into chaos and anarchy. Thus these philosophers stress the necessity of laws and guidelines as an essential part of freedom. This is why they call it “positive” freedom since it necessarily includes “positive,” goods (health and education) as well as a set of roles, duties, obligations, and constraints. This notion can be abused easily, however, for “positive freedom” can be made compatible with the most authoritarian state. (The Soviet Union, for example, often used the term *freedom* in this “positive” sense.) But despite possible abuses, it is important to see that there is more to freedom than simple freedom from interference. Whenever someone demands freedom, it is important to ask not only “from what?” but also “for what?”

It is also worth distinguishing several different kinds of rights. We can distinguish between “negative” and “positive” rights as well as freedoms; one has a right not to be interfered with, and one has rights *to* certain goods that society can provide. We have mostly been discussing negative rights (the right to be left alone, the right not to be arrested without good reason). But there are positive rights that are equally important, although they are often more controversial in this society, for example, the right to a minimal income regardless of the work one performs, the right to adequate health care regardless of one’s ability to pay for it. Many rights are clearly localized to a particular state or a particular community, as, for example, the right of university regents to free football game tickets and lunches at taxpayers’ expense. These rights exist by convention only and cannot be generalized from one community to another.

Then, more generally, there are **civil rights**, rights that are guaranteed in a particular state. One example can be the right to equal treatment despite differences in skin color or sex or religion, as required by various state and federal laws. These are clearly much more important than the conventional rights, and they have a clearly moral basis. For that reason, even though they are defined by reference to a particular state and society, they are often generalized to other societies as well. Insofar as they are generalized in this way, they become *moral* rights or **human rights**, extendable to all people, in any society, regardless of the laws and customs of the society in which they live. Some apparent human rights have been hotly debated: for example, whether the U.S. government has the moral authority to interfere with the harsh abuses of human rights in, say, China or Castro’s Cuba. If the right in question is harsh punishment for a seemingly minor crime, it might be argued that their system of punishment is simply more severe than ours, and we should not apply our values. If the right in question is the ability of citizens to speak out against the government without threat of imprisonment or worse, a strong argument has been made that the U.S. government does indeed have that moral authority (whether or not it wishes to risk the consequences is another matter). But if the right in question is one of those basic human rights against torture or debasement or pointless murder, then it can be

argued that everyone has a moral obligation to defend such rights. Human rights are those that transcend all social and national boundaries; they demand that people deserve certain treatment just because they are human, regardless of all else.

A right is a kind of demand, the demand that one is owed something by society and the state, usually a certain sort of consideration or treatment. But most of the rights we have been discussing are in fact rights to freedom or to liberty, that is, the right to be left alone and not interfered with. A belief in individual freedom forms the basis of the liberal political philosophy, which is defined most of all by a commitment to the right of each individual to be free to do whatever he or she wishes as long as it doesn't interfere with similar rights of others. The classic statement of this position is another pamphlet by John Stuart Mill, *On Liberty* (1859). In it, he defends the rights of individuals and minorities against the tyranny of democratic majorities, for Mill sees that liberty can be as endangered in a democracy as it can in an authoritarian state. Mill goes on to offer a "very simple principle," that individual liberty is to be considered inviolable except when other people are threatened with harm.

FROM *ON LIBERTY*,  
BY JOHN STUART MILL

The object of this Essay is to assert one very simple principle, as entitled to govern absolutely the dealings of society with the individual in the way of compulsion and control, whether the means used be physical force in the form of legal penalties, or the moral coercion of public opinion. That principle is, that the sole end for which mankind are warranted, individually or collectively, in interfering with the liberty of action of any of their number, is self-protection. That the only purpose for which power can be rightfully exercised over any member of a civilised community, against his will, is to prevent harm to others. His own good, either physical or moral, is not a sufficient warrant. He cannot rightfully be compelled to do or forbear because it will be better for him to do so, because it will make him happier, because, in the opinions of others, to do so would be wise, or even right. These are good reasons for remonstrating with him, or reasoning with him, or persuading him, or entreating him, but not for compelling him, or visiting with any evil in case he do otherwise. To justify that, the conduct from which it is desired to deter him must be calculated to produce evil to some one else. The only part of the conduct of any one, for which he is amenable to society, is that which concerns others. In the part which merely concerns himself, his independence is, of right, absolute. Over himself, over his own body and mind, the individual is sovereign.

It is, perhaps, hardly necessary to say that this doctrine is meant to apply only to human beings in the maturity of their faculties. We are not speaking of children, or of young persons below the age which the law may fix as that of manhood or womanhood. Those who are still in a state to require being taken care of

by others, must be protected against their own actions as well as against external injury. For the same reason, we may leave out of consideration those backward states of society in which the race itself may be considered as in its nonage. The early difficulties in the way of spontaneous progress are so great, that there is seldom any choice of means for overcoming them; and a ruler full of the spirit of improvement is warranted in the use of any expedients that will attain an end, perhaps otherwise unattainable. Despotism is a legitimate mode of government in dealing with barbarians, provided the end be their improvement,<sup>14</sup> and the means justified by actually affecting that end. Liberty, as a principle, has no application to any state of things anterior to the time when mankind have become capable of being improved by free and equal discussion.

It is proper to state that I forego any advantage which could be derived to my argument from the idea of abstract right, as a thing independent of utility. I regard utility as the ultimate appeal on all ethical questions; but it must be utility in the largest sense, grounded on the permanent interests of a man as a progressive being. Those interests, I contend, authorise the subjection of individual spontaneity to external control, only in respect to those actions of each, which concern the interest of other people. If any one does an act hurtful to others, there is a *prima facie* case for punishing him, by law, or, where legal penalties are not safely applicable, by general disapprobation. There are also many positive acts for the benefit of others, which he may rightfully be compelled to perform; such as to give evidence in a court of justice; to bear his fair share in the common defence, or in any other joint work necessary to the interest of the society of which he enjoys the protection; and to perform certain acts of individual beneficence, such as saving a fellow creature's life, or interposing to protect the defenceless against ill-usage, things which whenever it is obviously a man's duty to do, he may rightfully be made responsible to society for not doing. A person may cause evil to others not only by his actions but by his inaction, and in either case is justly accountable to them for the injury. The latter case, it is true, requires a much more cautious exercise of compulsion than the former. To make any one answerable for doing evil to others is the rule; to make him answerable for not preventing evil is, comparatively speaking, the exception. Yet there are many cases clear enough and grave enough to justify that exception. In all things which regard the external relations of the individual, he is *de jure* amenable to those whose interests are concerned, and, if need be, to society as their protector. There are often good reasons for not holding him to the responsibility; but these reasons must arise from the special expediencies of the case: either because it is a kind of case in which he is on the whole likely to act better, when left to his own discretion, than when controlled in any way in which society have it in their

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<sup>14</sup>Notice the political implications for this qualification, however, in "underdeveloped" countries and colonies. The principle of *paternalism*—that one ought to take care of those who cannot take care of themselves—is easily abused and therefore always dangerous.

power to control him; or because the attempt to exercise control would produce other evils, greater than those which it would prevent. When such reasons as these preclude the enforcement of responsibility, the conscience of the agent himself should step into the vacant judgment seat, and protect those interests of others which have no external protection; judging himself all the more rigidly, because the case does not admit of his being made accountable to the judgment of his fellow creatures.

But there is a sphere of action in which society, as distinguished from the individual, has, if any, only an indirect interest; comprehending all that portion of a person's life and conduct which affects only himself, or if it also affects others, only with their free, voluntary, and undeceived consent and participation. When I say only himself, I mean directly, and in the first instance; for whatever affects himself, may affect others through himself; and the objection which may be grounded on this contingency, will receive consideration in the sequel. This, then, is the appropriate region of human liberty. It comprises, first, the inward domain of consciousness; demanding liberty of conscience in the most comprehensive sense; liberty of thought and feeling; absolute freedom of opinion and sentiment on all subjects, practical or speculative, scientific, moral, or theological. The liberty of expressing and publishing opinions may seem to fall under a different principle, since it belongs to that part of the conduct of an individual which concerns other people; but, being almost of as much importance as the liberty of thought itself, and resting in great part on the same reasons, is practically inseparable from it. Secondly, the principle requires liberty of tastes and pursuits; of framing the plan of our life to suit our own character; of doing as we like, subject to such consequences as may follow: without impediment from our fellow creatures, so long as what we do does not harm them, even though they should think our conduct foolish, perverse, or wrong. Thirdly, from this liberty of each individual, follows the liberty, within the same limits, of combination among individuals; freedom to unite, for any purpose not involving harm to others: the persons combining being supposed to be of full age, and not forced or deceived.

No society in which these liberties are not, on the whole, respected, is free, whatever may be its form of government and unqualified. The only freedom which deserves the name, is that of pursuing our own good in our own way, so long as we do not attempt to deprive others of theirs, or impede their efforts to obtain it. Each is the proper guardian of his own health, whether bodily, *or* mental and spiritual. Mankind are greater gainers by suffering each other to live as seems good to themselves, than by compelling each to live as seems good to the rest.<sup>15</sup>

Mill's main concern in his essay is the extent to which government and public interest have authority over individuals and individual actions. If an action harms other

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<sup>15</sup> John Stuart Mill, *On Liberty* (London: Longmans, 1859).

people or presents a public menace, then government does have the authority to prevent it or punish a person for doing it. But if an action is not harmful to others, the government has no such authority. In the question of freedom of speech, for example, this means that governments have no authority to censor some comment or publication unless it clearly harms other people, not merely annoys or personally offends them. Mill is particularly concerned with protecting individuals against "the tyranny of the majority." The public interest is authoritative to "a limit," but that limit does not include interfering with personal affairs or opinions.

## 2. *Obligations to the State*

Governments are made up of people, and people make mistakes. No matter what theory of individual rights you adopt, you can imagine a government, acting entirely within its legitimate role, making such a mistake. Sometimes, for instance, innocent people are convicted of crimes. Sometimes a bad law stays on the books of an otherwise good government. Sometimes police fail to enforce good laws that are on the books. Sometimes, different members of government interpret the laws differently and consequently disagree about how particular cases ought to be handled. Or sometimes members of the government just wrongfully overstep its bounds. In all these cases, a legitimate state is responsible for injustices against citizens.

We also talk about the *obligations* of the citizen to the government. Obligations accompany rights. For instance, Hobbes claimed, as have others after him, that the state, in order to be legitimate, owes its citizens protection in times of danger. Well, doesn't the citizen who lives in such a state and is protected by his government *owe* the state his service in the military? Or, consider that our U.S. Constitution bestows to each citizen a right to a fair trial. But if the accused is entitled to "trial by jury," are not all citizens therefore *obliged* to serve on such juries and to obey the courts?

This is part of what is at issue in Plato's *Crito*, at which we looked in the introductory chapter. There, Socrates claims that he owes the state his obedience to the law—which in his case, since he was sentenced to death in court, meant he owed the state his life. This was because, he said, he had accepted the rights and privileges of the state all his life. Indeed, Socrates claimed, he *did* owe the state his life.

What follows are four modern views about citizens' obligations to the state. In the first, the famous nineteenth-century abolitionist and former slave Frederick Douglass defends his friend's decision to buy back his freedom from his old master (i.e., to obey a bad law) rather than ignore the bad law and run away. His decision is similar to Socrates' and for some similar reasons. But Douglass continues where Socrates left off, citing utilitarian reasons for this decision as well, and claiming in addition that particular human intentions are relevant to the judgment of a law. Buying someone *into* slavery, he claims, is qualitatively different from buying someone *out* of slavery.



**"IN DEFENSE OF PURCHASING FREEDOM,"**BY **FREDERICK DOUGLASS**22, St. Ann's Square, Manchester,  
December 22, 1846

Dear Friend:

Your letter of the 12th December reached me at this place, yesterday. Please accept my heartfelt thanks for it. I am sorry that you deemed it necessary to assure me, that it would be the last letter of advice you would ever write me. It looked as if you were about to cast me off for ever! I do not, however, think you meant to convey any such meaning; and if you did, I am sure you will see cause to change your mind, and to receive me again into the fold of those, whom it should ever be your pleasure to advise and instruct.

The subject of your letter is one of deep importance, and upon which, I have thought and felt much; and, being the party of all others most deeply concerned, it is natural to suppose I have an opinion, and ought to be able to give it on all fitting occasions. I deem this a fitting occasion, and shall act accordingly.

You have given me your opinion: I am glad you have done so. You have given it to me direct, in your own emphatic way. You never speak insipidly, smoothly, or mincingly; you have strictly adhered to your custom, in the letter before me. I now take great pleasure in giving you my opinion, as plainly and unreservedly as you have given yours, and I trust with equal good feeling and purity of motive. I take it, that nearly all that can be said against my position is contained in your letter; for if any man in the wide world would be likely to find valid objections to such a transaction as the one under consideration, I regard you as that man. I must, however, tell you, that I have read your letter over, and over again, and have sought in vain to find anything like what I can regard a valid reason *against the purchase of my body, or against my receiving the manumission papers, if they are ever presented to me.*

Let me, in the first place, state the facts and circumstances of the transaction which you so strongly condemn. It is your right to do so, and God forbid that I should ever cherish the slightest desire to restrain you in the exercise of that right. I say to you at once, and in all the fulness of sincerity, speak out; speak freely; keep nothing back; let me know your whole mind. "Hew to the line, though the chips fly in my face." Tell me, and tell me plainly, when you think I am deviating from the strict line of duty and principle; and when I become unwilling to hear, I shall have attained a character which I now despise, and from which I would hope to be preserved. But to the facts.

I am in England, my family are in the United States. My sphere of usefulness is in the United States; my public and domestic duties are there; and there it seems my duty to go. But I am *legally* the property of Thomas Auld, and if I go to the United States, (no matter to what part, for there is no City of Refuge there, no spot sacred to freedom there,) Thomas Auld, *aided by the American Government*, can seize, bind and fetter, and drag me from my family, feed his cruel revenge upon me, and doom me to unending slavery. In view of this simple

statement of facts, a few friends, desirous of seeing me released from the terrible liability, and to relieve my wife and children from the painful trepidation, consequent upon the liability, and to place me on an equal footing of safety with all other anti-slavery lecturers in the United States, and to enhance my usefulness by enlarging the field of my labors in the United States, have nobly and generously paid Hugh Auld, the agent of Thomas Auld, £150—in consideration of which, Hugh Auld (acting as his agent) and the Government of the United States agree, that I shall be free from all further liability.

These, dear friend, are the facts of the whole transaction. The principle here acted on by my friends, and that upon which I shall act in receiving the manumission papers, I deem quite defensible.

First, *as to those who acted as my friends, and their actions.* The actuating motive was, to secure me from a liability full of horrible forebodings to myself and family. With this object, I will do you the justice to say, I believe you fully unite, although some parts of your letters would seem to justify a different belief.

Then, as to the measure adopted to secure this result. Does it violate a fundamental principle, or does it not? This is the question, and to my mind the only question of importance, involved in the discussion, I believe that, on our part, no just or holy principle has been violated.

Before entering upon the argument in support of this view, I will take the liberty (and I know you will pardon it) to say, I think you should have pointed out some principle violated in the transaction, before you proceeded to exhort me to repentance. You have given me any amount of indignation against “Auld” and the United States, in all which I cordially unite, and felt refreshed by reading; but it has no bearing whatever upon the conduct of myself, or friends, in the matter under consideration. It does not prove that I have done wrong, nor does it demonstrate what is right, or the proper course to be pursued. Now that the matter has reached its present point, before entering upon the argument, let me say one other word; it is this—I do not think you have acted quite consistently with your character for promptness, in delaying your advice till the transaction was completed. You knew of the movement at its conception, and have known it through its progress, and have never, to my knowledge, uttered one syllable against it, in conversation or letter, till now that the deed is done. I regret this, not because I think your earlier advice would have altered the result, but because it would have left me more free than I can now be, since the thing is done. Of course, you will not think hard of my alluding to this circumstance. Now, then, to the main question.

The principle which you appear to regard as violated by the transaction in question, may be stated as follows:—*Every man has a natural and inalienable right to himself.* The inference from this is, “*that man cannot hold property in man*”—and as man cannot hold property in man, neither can Hugh Auld nor the United States have any right of property in me—and having no right of property in me, they have no right to sell me—and, having no right to sell me, no one has a right to buy me. I think I have now stated the principle, and the inference from

the principle, distinctly and fairly. Now, the question upon which the whole controversy turns is, simply, this: does the transaction, which you condemn, really violate this principle? I own that, to a superficial observer, it would seem to do so. But I think I am prepared to show, that, so far from being a violation of that principle, it is truly a noble vindication of it. Before going further, let me state here, briefly, what sort of a purchase would have been a violation of this principle, which, in common with yourself, I reverence, and am anxious to preserve inviolate.

1st. It would have been a violation of that principle, had those who purchased me done so, *to make me a slave, instead of a freeman*. And,

2ndly. It would have been a violation of that principle, had those who purchased me done so with a view to compensate the slaveholder, for what he and they regarded as his rightful property.

In neither of these ways was my purchase effected. My liberation was, in their estimation, of more value than £150; the happiness and repose of my family were, in their judgment, more than paltry gold. The £150 was paid to the remorseless plunderer, not because he had any just claim to it, but to induce him to give up his legal claim to something which they deemed of more value than money. It was not to compensate the slaveholder, but to release me from his power; not to establish my *natural right* to freedom, but to release me from all legal liabilities to slavery. And all this, you and I, and the slaveholders, and all who know anything of the transaction, very well understand. The very letter to Hugh Auld, proposing terms of purchase, informed him that those who gave, *denied his right to it*. The error of those, who condemn this transaction, consists in their confounding the crime of buying men *into slavery*, with the meritorious act of buying men out of slavery, and the purchase of legal freedom with abstract right and natural freedom. They say, "If you BUY, you recognize the right to sell. If you receive, you recognize the right of the giver to give." And this has a show of truth, as well as of logic. But a few plain cases will show its entire fallacy.

There is now, in this country, a heavy duty on corn. The government of this country has imposed it; and though I regard it a most unjust and wicked imposition, no man of common sense will charge me with endorsing or recognizing the right of this government to impose this duty, simply because, to prevent myself and family from starving, I buy and eat this corn.

Take another case:—I have had dealings with a man. I have owed him one hundred dollars, and have paid it; I have lost the receipt. He comes upon me the second time for the money. I know, and he knows, he has no right to it; but he is a villain, and has me in his power. The law is with him, and against me. I must pay or be dragged to jail. I choose to pay the bill a second time. To say I sanctioned his right to rob me, because I preferred to pay rather than go to jail, is to utter an absurdity, to which no sane man would give heed. And yet the principle of action, in each of these cases, is the same. The man might indeed say, the claim is unjust—and declare, I will rot in jail, before I will pay it. But this would

not, certainly, be demanded by any principle of truth, justice, or humanity; and however much we might be disposed to respect his daring, but little difference could be paid to his wisdom. The fact is, we act upon this principle every day of our lives, and we have an undoubted right to do so. When I came to this country from the United States, I came in the *second* cabin. And why? Not because my natural right to come in the *first* cabin was not as good as that of any other man, but because a wicked and cruel prejudice decided, that the second cabin was the place for me. By coming over in the second, did I sanction or justify this wicked proscription? Not at all. It was the best I could do. I acted from necessity.

One other case, and I have done with this view of the subject. I think you will agree with me, that the case I am now about to put is pertinent, though you may not readily pardon me for making yourself the agent of my illustration. The case respects the passport system on the continent of Europe. That system you utterly condemn. You look upon it as an unjust and wicked interference, a bold and infamous violation of the *natural* and *sacred* right of locomotion. You hold, (and so do I,) that the image of our common God ought to be a passport all over the habitable world. But bloody and tyrannical governments have ordained otherwise; they usurp authority over you, and decide for you, on what conditions you shall travel. They say, you shall have a passport, or you shall be put in prison. Now, the question is, have they a right to prescribe any such terms? and do you, by complying with these terms, sanction their interference? I think you will answer, no; submission to injustice, and sanction of injustice, are different things; and he is a poor reasoner who confounds the two, and makes them one and the same thing. Now, then, for the parallel, and the application of the passport system to my own case.

I wish to go to the United States. I have a natural right to go there, and be free. My natural right is as good as that of Hugh Auld, or James K. Polk; but that plundering government says, I shall not return to the United States in safety—it says, I must allow Hugh Auld to rob me, or my friends, of £150, or be hurled into the infernal jaws of slavery. I must have a “bit of paper, signed and sealed,” or my liberty must be taken from me, and I must be torn from my family and friends. The government of Austria said to you, “Dare to come upon my soil, without a passport, declaring you to be an American citizen, (which you say you are not,) you shall at once be arrested, and thrown into prison.” What said you to that Government? Did you say that the threat was a villainous one, and an infamous invasion of your right of locomotion? Did you say, “I will come upon your soil; I will go where I please! I dare and defy your government!” Did you say, “I will spurn your passports; I would not stain my hand, and degrade myself, by touching your miserable parchment. You have no right to give it, and I have no right to take it. I trample your laws, and will put your constitutions under my feet! I will not recognize them!” Was this your course? No! dear friend, it was not. Your practice was wiser than your theory. You took the passport, submitted to be examined while travelling, and availed yourself of all the advantages of your “passport”—or, in other words, escaped all the evils which you ought to

have done, without it, and would have done, but for the tyrannical usurpation in Europe.

I will not dwell upon this view of the subject; and I dismiss it, feeling quite satisfied of the entire correctness of the reasoning, and the principle attempted to be maintained. As to the expediency of the measures, different opinions may well prevail; but in regard to the principle, I feel it difficult to conceive of two opinions. I am free to say, that, had I possessed one hundred and fifty pounds, I would have seen Hugh Auld *kicking*, before I would have given it to him. I would have waited till the emergency came, and only given up the money when nothing else would do. But my friends thought it best to provide against the contingency; they acted on their own responsibility, and I am not disturbed about the result. But, having acted on a true principle, I *do not feel free to disavow their proceedings*.

In conclusion, let me say, I anticipate no such change in my position as you predict. I shall be Frederick Douglass still, and once a slave still. I shall neither be made to forget nor cease to feel the wrongs of my enslaved fellow-countrymen. My knowledge of slavery will be the same, and my hatred of it will be the same. By the way, I have never made my own person and suffering the theme of public discourse, but have always based my appeal upon the wrongs of the three millions now in chains; and these shall still be the burthen of my speeches. You intimate that I may reject the papers, and allow them to remain in the hands of those friends who have effected the purchase, and thus avail myself of the security afforded to them, without sharing any part of the responsibility of the transaction. My objection to this is one of honor. I do not think it would be very honorable on my part, to remain silent during the whole transaction, and giving it more than my silent approval; and then, when the thing is completed, and I am safe, attempt to play the *hero*, by throwing off all responsibility in the matter. It might be said, and said with great propriety, "Mr. Douglass, your indignation is very good, and has but one fault, and that is, *it comes too late!*" It would be a show of bravery when the danger is over. From every view I have been able to take the subject, I am persuaded to receive the papers, if presented,—not, however, as a proof of my right to be free, for *that is self-evident*, but as a proof that my friends have been legally robbed of £150, in order to secure that which is the birth-right of every man. And I will hold up those papers before the world, in proof of the plundering character of the American government. It shall be the brand of infamy, stamping the nation, in whose name the deed was done, as a great aggregation of hypocrites, thieves and liars,—and their condemnation is just. They declare that all men are created equal, and have a natural and inalienable right to liberty, while they rob me of £150, as a condition of my enjoying this natural and inalienable right. It will be their condemnation, in their own hand-writing, and may be held up to the world as a means of humbling that haughty republic into repentance.

I agree with you, that the contest which I have to wage is against the government of the United States. But the representative of that government is the slaveholder, *Thomas Auld*. He is commander-in-chief of the army and navy. The

whole civil and naval force of the nation are at his disposal. He may command all these to his assistance, and bring them all to bear upon me, until I am made entirely subject to this will, or submit to be robbed myself, or allow my friends to be robbed, of seven hundred and fifty dollars. And rather than be subject to his will, I have submitted to be robbed, or allowed my friends to be robbed, of the seven hundred and fifty dollars.

Sincerely yours,  
Frederick Douglass<sup>16</sup>

The great American essayist, Henry David Thoreau, did not agree with Socrates or with Douglass. In his famous essay "Civil Disobedience" he defended his decision not to pay his taxes. He claimed that for a person to obey the laws of government which behaved unjustly was the same as his or her behaving unjustly him or herself. While "lesser men"—degraded, immoral, and unthinking pawns of government—might go along year after year, casting their impotent and thoughtless vote, no man of moral character would do so, claimed Thoreau. Being such a man himself, he absolved himself of any obligations toward his country other than to "do what he believed right."

### **"CIVIL DISOBEDIENCE,"**

BY **HENRY DAVID THOREAU**

#### RESISTANCE TO CIVIL GOVERNMENT<sup>17</sup>

I heartily accept the motto,—“That government is best which governs least;” and I should like to see it acted up to more rapidly and systematically. Carried out, it finally amounts to this, which also I believe,—“That government is best which governs not at all;” and when men are prepared for it, that will be the kind of government which they will have. Government is at best but an expedient; but most governments are usually, and all governments are sometimes, inexpedient. The objections which have been brought against a standing army, and they are many and weighty, and deserve to prevail, may also at least be brought against a standing government. The standing army is only an arm of the standing government. The government itself, which is only the mode which the people have chosen to execute their will, is equally liable to be abused and perverted before the people can act through it. Witness the present Mexican war, the work of comparatively a few individuals using the standing government as their tool; for, in the outset, the people would not have consented to this measure.

<sup>16</sup>Frederick Douglass, *Selected Writings*, ed. Michael Meyer (New York: Modern Library, 1984).

<sup>17</sup>Henry David Thoreau, "Resistance to Civil Government," 1849, rpt. in the *Norton Anthology of American Literature* (New York: Norton, 1990).

This American government,—what is it but a tradition, though a recent one, endeavoring to transmit itself unimpaired to posterity, but each instant losing some of its integrity? It has not the vitality and force of a single living man; for a single man can bend it to his will. It is a sort of wooden gun to the people themselves; and, if ever they should use it in earnest as a real one against each other, it will surely split. But it is not the less necessary for this; for the people must have some complicated machinery or other, and hear its din, to satisfy that idea of government which they have. Governments show thus how successfully men can be imposed on, even impose on themselves, for their own advantage. It is excellent, we must allow; yet this government never of itself furthered any enterprise, but by the alacrity with which it got out of its way. *It* does not keep the country free. *It* does not settle the West. *It* does not educate. The character inherent in the American people has done all that has been accomplished; and it would have done somewhat more, if the government had not sometimes got in its way. For government is an expedient by which men would fain succeed in letting one another alone; and, as has been said, when it is most expedient, the governed are most let alone by it. Trade and commerce, if they were not made of India rubber, would never manage to bound over the obstacles which legislators are continually putting in their way; and, if one were to judge these men wholly by the effects of their actions, and not partly by their intentions, they would deserve to be classed and punished with those mischievous persons who put obstructions on the railroads.

But, to speak practically and as a citizen, unlike those who call themselves no-government men, I ask for, not at once no government, but *at once* a better government. Let every man make known what kind of government would command his respect, and that will be one step toward obtaining it.

After all, the practical reason why, when the power is once in the hands of the people, a majority are permitted, and for a long period continue, to rule, is not because they are most likely to be in the right, nor because this seems fairest to the minority, but because they are physically the strongest. But a government in which the majority rule in all cases cannot be based on justice, even as far as men understand it. Can there not be a government in which majorities do not virtually decide right and wrong, but conscience?—in which majorities decide only those questions to which the rule of expediency is applicable? Must the citizen ever for a moment, or in the least degree, resign his conscience to the legislator? Why has every man a conscience, then? I think that we should be men first, and subjects afterward. It is not desirable to cultivate a respect for the law, so much as for the right. The only obligation which I have a right to assume, is to do at any time what I think right. It is truly enough said, that a corporation has no conscience; but a corporation of conscientious men is a corporation *with* a conscience. Law never made men a whit more just; and, by means of their respect for it, even the well-disposed are daily made the agents of injustice. A common and natural result of an undue respect for law is, that you may see a file of soldiers, colonel, captain, corporal, privates, powder-monkeys and all, marching in admirable order over hill and dale to the wars, against their

wills, aye, against their common sense and consciences, which makes it very steep marching indeed, and produces a palpitation of the heart. They have no doubt that it is a damnable business in which they are concerned; they are all peaceably inclined. Now, what are they? Men at all? or small moveable forts and magazines, at the service of some unscrupulous man in power? . . .

All voting is a sort of gaming, like chequers or backgammon, with a slight moral tinge to it, a playing with right and wrong, with moral questions; and betting naturally accompanies it. The character of the voters is not staked. I cast my vote, perchance, as I think right; but I am not vitally concerned that that right should prevail. I am willing to leave it to the majority. Its obligation, therefore, never exceeds that of expediency. Even voting *for the right* is *doing nothing* for it. It is only expressing to men feebly your desire that it should prevail. A wise man will not leave the right to the mercy of chance, nor wish it to prevail through the power of the majority. There is but little virtue in the action of masses of men. When the majority shall at length vote for the abolition of slavery, it will be because they are indifferent to slavery, or because there is but little slavery left to be abolished by their vote. *They* will then be the only slaves. Only *his* vote can hasten the abolition of slavery who asserts his own freedom by his vote.



Under a government which imprisons any unjustly, the true place for a just man is also a prison. The proper place to-day, the only place which Massachusetts has provided for her freer and less desponding spirits, is in her prisons, to be put out and locked out of the State by her own act, as they have already put themselves out by their principles. It is there that the fugitive slave, and the Mexican prisoner on parole, and the Indian come to plead the wrongs of his race, should find them; on that separate, but more free and honorable ground, where the State places those who are not *with* her but *against* her,—the only house in a slave-state in which a free man can abide with honor. If any think that their influence would be lost there, and their voices no longer afflict the ear of the State, that they would not be as an enemy within its walls, they do not know by how much truth is stronger than error, nor how much more eloquently and effectively he can combat injustice who has experienced a little in his own person. Cast your whole vote, not a strip of paper merely, but your whole influence. A minority is powerless while it conforms to the majority; it is not even a minority then; but it is irresistible when it clogs by its whole weight. If the alternative is to keep all just men in prison, or give up war and slavery, the State will not hesitate which to choose. If a thousand men were not to pay their tax-bills this year, that would not be a violent and bloody measure, as it would be to pay them, and enable the State to commit violence and shed innocent blood. This is, in fact, the definition of a peaceable revolution, if any such is possible. If the tax-gatherer, or any other public officer, asks me, as one has done, "But what shall I do?" my answer is, "If you really wish to do any thing, resign your office." When the subject has refused allegiance, and the officer has resigned his office, then the revolution is accomplished. But even suppose blood should flow. Is there not a sort



of blood shed when the conscience is wounded? Through this wound a man's real manhood and immortality flow out, and he bleeds to an everlasting death. I see this blood flowing now.



I have paid no poll-tax for six years. I was put into a jail once on this account, for one night; and, as I stood considering the walls of solid stone, two or three feet thick, the door of wood and iron, a foot thick, and the iron grating which strained the light, I could not help being struck with the foolishness of that institution which treated me as if I were mere flesh and blood and bones, to be locked up. I wondered that it should have concluded at length that this was the best use it could put me to, and had never thought to avail itself of my services in some way. I saw that, if there was a wall of stone between me and my townsmen, there was a still more difficult one to climb or break through, before they could get to be as free as I was. I did not for a moment feel confined, and the walls seemed a great waste of stone and mortar. I felt as if I alone of all my townsmen had paid my tax. They plainly did not know how to treat me, but behaved like persons who are underbred. In every threat and in every compliment there was a blunder; for they thought that my chief desire was to stand the other side of that stone wall. I could not but smile to see how industriously they locked the door on my meditations, which followed them out again without let or hinderance, and *they* were really all that was dangerous. As they could not reach me, they had resolved to punish my body; just as boys, if they cannot come at some person against whom they have a spite, will abuse his dog. I saw that the State was half-witted, that it was timid as a lone woman with her silver spoons, and that it did not know its friends from its foes, and I lost all my remaining respect for it, and pitied it.

Thus the State never intentionally confronts a man's sense, intellectual or moral, but only his body, his senses. It is not armed with superior wit or honesty, but with superior physical strength. I was not born to be forced. I will breathe after my own fashion. Let us see who is the strongest. What force has a multitude? They only can force me who obey a higher law than I. They force me to become like themselves. I do not hear of *men* being *forced* to live this way or that by masses of men. What sort of life were that to live? When I meet a government which says to me, "Your money or your life," why should I be in haste to give it my money? It may be in a great strait, and not know what to do: I cannot help that. It must help itself; do as I do. It is not worth the while to snivel about it. I am not responsible for the successful working of the machinery of society. I am not the son of the engineer. I perceive that, when an acorn and a chestnut fall side by side, the one does not remain inert to make way for the other, but both obey their own laws, and spring and grow and flourish as best they can, till one, perchance, overshadows and destroys the other. If a plant cannot live according to its nature, it dies; and so a man.

A little more than a hundred years later, in 1963, Martin Luther King, Jr., used similar reasoning in his decision to participate in the civil rights protests in Birmingham, Alabama. King was famous for his advocacy of nonviolent protest; nonethe-

less, King did believe in protest. In fact, he claims in the following famous "Letter from Birmingham Jail" that disobeying the law was his moral—and Christian—obligation.

**"LETTER FROM BIRMINGHAM JAIL,"**  
**BY THE REV. MARTIN LUTHER KING, JR.**

You deplore the demonstrations taking place in Birmingham. But your statement, I am sorry to say, fails to express a similar concern for the conditions that brought about the demonstration. I am sure that none of you would want to rest content with the superficial kind of social analysis that deals merely with effects and does not grapple with underlying causes. It is unfortunate that demonstrations are taking place in Birmingham, but it is even more unfortunate that the city's white power structure left the Negro community with no alternative.

In any nonviolent campaign there are four basic steps: collection of the facts to determine whether injustices exist; negotiation; self-purification; and direct action. We have gone through all these steps in Birmingham. There can be no gainsaying the fact that racial injustice engulfs this community. Birmingham is probably the most thoroughly segregated city in the United States. Its ugly record of brutality is widely known. Negroes have experienced grossly unjust treatment in the courts. There have been more unsolved bombings of Negro homes and churches in Birmingham than in any other city in the nation. These are the hard, brutal facts of the case. . . .

You may well ask: "Why direct action? Why sit-ins, marches and so forth? Isn't negotiation a better path?" . . . The United States Negro is moving . . . toward the promised land of racial justice. If one recognizes this vital urge that has engulfed the Negro community, one should readily understand why public demonstrations are taking place. The Negro has many pent-up resentments and latent frustrations, and he must release them. So let him march; let him make prayer pilgrimages to the city hall; let him go on freedom rides—and try to understand why he must do so. If his repressed emotions are not released in nonviolent ways, they will seek expression through violence; this is not a threat but a fact of history. So I have not said to my people: "Get rid of your discontent." Rather, I have tried to say that this normal and healthy discontent can be channeled into the creative outlet of nonviolent direct action. And now this approach is being termed extremist. . . . Perhaps the South, the nation and the world are in dire need of creative extremists.<sup>18</sup>

Malcolm X, a contemporary of King, believed in taking a far more aggressive stand against unjust government. He was one of the leaders of the "Black Nationalist" movement, which pursued not just justice, but an independent and separate state,

<sup>18</sup>Martin Luther King, Jr., "Letter from Birmingham Jail," rpt. as Chapter 5 of *Why We Can't Wait* (New York: New American Library, 1988 [reprint]).

for black people of all nations. Malcolm X's famous phrase "by any means necessary," indicated his rejection of King's (or Thoreau's) nonviolence and "civility" of disobedience. Rather, Malcolm X argued, building on Thomas Hobbes, that those mistreated by an unjust government have the right and the obligation to violate the laws of that government. Consider the following harsh words:

**"THE BALLOT OR THE BULLET,"**

BY MALCOLM X

I am one who doesn't believe in deluding myself. I'm not going to sit at your table and watch you eat, with nothing on my plate, and call myself a diner. Sitting at the table doesn't make you a diner, unless you eat some of what's on that plate. Being here in America doesn't make you an American. Why, if birth made you American, you wouldn't need any legislation, you wouldn't need any amendments to the Constitution, you wouldn't be faced with civil-rights filibustering in Washington, D.C., right now. They don't have to pass civil-rights legislation to make a Polack an American.

No, I'm not an American. I'm one of the 22 million black people who are the victims of Americanism. One of the 22 million black people who are the victims of democracy, nothing but disguised hypocrisy. So, I'm not standing here speaking to you as an American, or a patriot, or a flag-saluter, or a flag-waver—no, not I. I'm speaking as a victim of this American system. And I see America through the eyes of the victim. I don't see any American dream; I see an American nightmare. . . .

Let the world know how bloody his hands are. Let the world know the hypocrisy that's practiced over here. Let it be the ballot or the bullet. Let him know that it must be the ballot or the bullet.<sup>19</sup>

## D. A DIFFERENT SENSE OF FREEDOM: MARXISM

From a liberal perspective, this English emphasis on rights and liberty seems indisputable. But what happens when the "natural right" to private property is abused, when people take more than they can use personally and use their excess possession merely as a means to manipulate other people? It is all well and good to defend the rights of freedom of speech and religion, but what if many people in the society find themselves far more concerned just with the exigencies of existence—putting food

<sup>19</sup> Malcolm X, "The Ballot or the Bullet," rpt. in *Malcolm X Speaks* (New York: Grove Press, 1965).

on the table, surviving a dangerous job, and not having enough protection under the law to prevent them from being grossly exploited and underpaid for unrewarding and painful labor? There is an obvious sense in which people in such conditions are not all "free," even if they are guaranteed freedom of speech and religion. Freedom from government persecution is not necessarily freedom from economic exploitation, and it is the latter freedom that concerns Karl Marx and his frequent coauthor Friedrich Engels.

It is worth mentioning that Locke wrote his two treatises on government before the industrial revolution; Marx wrote when that revolution was at its peak, transforming cities like Manchester, England, into virtual slave-farms of underpaid, overworked laborers. With this in mind, the freedoms of speech and religion protected by well-to-do and comfortable liberals seemed not nearly so important as the basic freedom to a decent life. So Marx turned from political liberties to economic necessities and turned his attention from the right to private property to the abuse of private property.

Although Marx insists on "the abolition of private property" as the central theme of communism, he still retains the idea that a man or woman has the right to the products of his or her labor. What he rejects is the ownership of property that one has not personally produced and that serves only as a means of getting richer at the expense of other people, who are thereby forced to work without enjoying the products of their labor. This is what Marx means by his very important notion of **alienation**. A person is alienated if he or she is no longer working for himself or herself but only for the benefit of another person. Even though a person might get paid for this labor, that does not make it less alienated. Factory workers may be well paid, but they are alienated insofar as their work is meaningless to them, and the profits of their work do not go to them but to someone else. Thus, despite their obvious differences, Marx and Locke agree to this extent: A person has a right to something "if he has mixed his labour with it." Both philosophers agree on the importance of human productivity and creativity to the good life, and the person's right to his or her own creation is therefore essential to any adequate society.

Marx was a *historical materialist*, which means that he placed new emphasis on the economic modes of production of goods and saw history and politics (and all other human enterprises) as conditioned by economic relations. Accordingly, the key to human freedom and the lack of freedom was also economic. In the following passage from his early writings (of 1844), Marx summarizes his notion of alienation as the unnatural separation of a person from the object he or she creates, resulting in separation ("alienation") from other people and ultimately from oneself. Quite the contrary of the "natural" identity the worker should feel with what he or she has made, the object produced is "set against him [or her] as an alien and hostile force." Instead of pride or enjoyment, the worker feels only resentment against those who have made the labor meaningless; and the pay received for this only makes it clearer how personally irrelevant it is.

FROM "ALIENATED LABOR,"  
BY KARL MARX

We shall begin from a *contemporary* economic fact. The worker becomes poorer the more wealth he produces and the more his production increases in power and extent. The worker becomes an ever cheaper commodity the more goods he creates. The *devaluation* of the human world increases in direct relation with the *increase in value* of the world of things. Labor does not only create goods; it also produces itself and the worker as a *commodity*, and indeed in the same proportion as it produces goods.

This fact simply implies that the object produced by labor, its product, now stands opposed to it as an *alien being*, as a *power independent* of the producer. The product of labor is labor which has been embodied in an object and turned into a physical thing; this product is an *objectification* of labor. The performance of work is at the same time its objectification. The performance of work appears in the sphere of political economy as a *vitiation* of the worker, objectification as a *loss* and as *servitude to the object*, and appropriation as *alienation*.

So much does the performance of work appear as vitiation that the worker is vitiated to the point of starvation. So much does objectification appear as loss of the object that the worker is deprived of the most essential things not only of life but also of work. Labor itself becomes an object which he can acquire only by the greatest effort and with unpredictable interruptions. So much does the appropriation of the object appear as alienation that the more objects the worker produces the fewer he can possess and the more he falls under the domination of his product, of capital.

All these consequences follow from the fact that the worker is related to the *product of his labor* as to an *alien* object. For it is clear on this presupposition that the more the worker expends himself in work the more powerful becomes the world of objects which he creates in face of himself, the poorer he becomes in his inner life, and the less he belongs to himself. The life which he has given to the object sets itself against him as an alien and hostile force.<sup>20</sup>

Marx introduces the new concept of freedom from alienation, which requires a return to the "natural" state in which people and their labor are one. (In this notion of return to the natural state, Marx is heavily influenced by Rousseau.) It is important to emphasize that nowhere does Marx suggest or desire that people should someday be free of work. According to him, work makes us human. Instead he argues that we should make ourselves free of alienated work. This does not mean that he denies other freedoms—freedom of speech, for example—but he does argue that such freedoms are meaningless in the face of the cruel economic necessities that rule most people's lives. Men and women, desperate for a job and forced to undertake mean-

<sup>20</sup> Karl Marx, *Early Writings*, trans. T. Bottomore (New York: McGraw-Hill, 1964).

ingless tasks for forty hours a week, need more than just the freedom to speak out. They require freedom from the economic exploitation that keeps them in such desperate circumstances. They must have, in general, freedom from material need. Marx makes a great deal of what he considers humanity's crucial difference from the animals: their ability to work and produce, thereby freeing themselves from the needs of nature.

Marx is a very modern theorist. He no longer argues on the basis of endless human requirements for food and shelter but sees that in the modern world the means of producing enough food and shelter for everyone are already at hand. What is needed is simply a more equitable form of distribution. This means no private property except for those products a person uses directly. There can be factories but no "owners," as opposed to the laborers. There might be "corporations" but only if they are nothing more than a coalition of the workers, who share in the benefits of their own work.

But this Marxist vision, in which there are no owners except the workers and in which everyone is a worker and no one is alienated from his work, is not going to come about without enormous upheaval. Marx's "classless society" requires a thoroughgoing revolution—not so much a political revolution as an economic one. This is the key to Marx's concept of freedom. It proposes freedom from want and freedom from economic exploitation, not political freedom in terms of rights and the freedom from government interference that we have mainly discussed so far. The revolution he envisions, in which the various economic classes of society will continue to war against each other until all such classes disappear, may therefore be called a battle for freedom just as much as the traditional battles for freedom of speech and self-government. It is a revolution that he sees as inevitable, one in the making since ancient times, and in which "Workers of the world unite; you have nothing to lose but your chains" will become the rallying cry around which the human world will experience its greatest upheaval ever. Marxists continue to argue that the collapse of Soviet-imposed communism does not refute Marx's claims.

## E. THE ABSOLUTE STATE: FASCISM

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We think of "fascism" as a nasty word. People of very different political persuasions accuse their opponents of fascism if they consider their policies oppressive. But this is a new meaning of the word. *Fascism* once was the proud name of a political theory, the theory of the absolute state. In the 1920s, Benito Mussolini swept into power in Italy with enormous popularity, a popularity he retained until his disastrous alliance with Adolf Hitler (also a fascist) in the Second World War. For Mussolini, and for most of his followers, *Fascism* had an almost religious significance: the state was raised to an almost divine status. The state was like a god, the source of laws and duties not unlike those discussed in the Bible. The individual existed only to serve and identify with the state. According to fascism, if some people were brutally repressed, it was only for the good of the general will and the state. (Rousseau's notion of "the

general will" often enters into fascist theory.) If fascism had to use force to protect the government, that force, so it was argued, was ultimately for the good of its people. And if fascism so often meant war, what better way to bring the citizens together into a virtual family? This identification of the state with the family plays a central part in the almost religious language of fascism. What follows is an extract from one of Mussolini's most often-quoted speeches:

**ON FASCISM,**  
BY **BENITO MUSSOLINI**

*Fascism is a religious conception* in which man is seen in his immanent relationship with a superior law and with an objective Will that transcends the particular individual and raises him to conscious membership of a spiritual society. Whoever has seen in the religious politics of the Fascist regime nothing but mere opportunism has not understood that Fascism besides being a system of government is also, and above all, a system of thought.

*Fascism is a historical conception*, in which man is what he is only in so far as he works with the spiritual process in which he finds himself, in the family or social group, in the nation and in the history in which all nations collaborate. From this follows the great value of tradition, in memories, in language, in customs, in the standards of social life. Outside history man is nothing. Consequently, Fascism is opposed to all the individualistic abstractions of a materialistic nature like those of the eighteenth century; and it is opposed to all Jacobin utopias and innovations. It does not consider that "happiness" is possible upon earth, as it appeared to be in the desire of the economic literature of the eighteenth century, and hence it rejects all teleological theories according to which mankind would reach a definitive stabilized condition at a certain period in history. This implies putting oneself outside history and life, which is a continual change and coming to be. Politically, Fascism wishes to be a realistic doctrine; practically, it aspires to solve only the problems which arise historically of themselves and that of themselves find or suggest their own solution. To act among men, as to act in the natural world, it is necessary to enter into the process of reality and to master the already operating forces.

Against individualism, the Fascist conception is for the State; and it is for the individual in so far as he coincides with the State, which is the conscience and universal will of man in his historical existence. . . . Fascism reaffirms the State as the true reality of the individual. And if liberty is to be the attribute of the real man, and not of that abstract puppet envisaged by individualistic Liberalism, Fascism is for liberty. And for the only liberty which can be a real thing, the liberty of the State and of the individual within the State. Therefore, for the Fascist, everything is in the State, and nothing human or spiritual exists, much less has value, outside the State. In this sense Fascism is totalitarian, and the Fascist State, the synthesis and unity of all values, interprets, develops and gives strength to the whole life of the people. . . .

This higher personality is truly the nation in so far as it is the State. . . . The State, in fact, as the universal ethical will, is the creator of right.<sup>21</sup>

In the other political theories we have discussed, the state and its interests are always balanced against the interests of the public and the individual citizen. This is the main point of most social contract theories, of consent of the governed theories, of utilitarian and justice theories, and the main goal of Marx's theory as well (although Marx is more concerned with economic power than just political power). In fascism, by contrast, the balance tips toward the interests of the state. This is not to say that the purpose of fascism is not also to serve the public interest and the individual citizen, but in terms of priorities, the state comes first. In social contract theories (including democratic theories), a state that does not serve the public interest can be legitimately overthrown; in fascist theory, the state has absolute legitimacy whether or not it succeeds in satisfying its citizens, and this is part of its religious significance.

In view of the fascist doctrine of the absolute state, it is in the interest of the state, but not its obligation, to have its citizens support it as enthusiastically as possible. This means that the fascist state will try to get the approval of its people perhaps just as fervently as a democratic state but primarily in order to enhance its own power. About four hundred years before the advent of modern fascism, one of Mussolini's countrymen, Niccolò Machiavelli, wrote a short treatise designed to instruct the leaders of absolute states on the art of keeping their power, including the art of winning and keeping public support. In *The Prince* (1513), Machiavelli writes a "how to" book for rulers, telling them the best ways of winning wars, tricking their enemies, and, in general, keeping power. (Machiavelli himself was not a fascist; he also wrote the *Discourses*, which deals in part with how to establish a republic. But *The Prince* has always served as the classic book for fascist theories.) The following is a representative excerpt from *The Prince*. Notice that its concern throughout is "how to stay in power," not how to be just or fair or even good. Justice or compassion are but means of keeping power, and that is the key to modern fascism as well.

FROM *THE PRINCE*,  
BY NICCOLÒ MACHIAVELLI

OF CRUELTY AND CLEMENCY, AND WHETHER  
IT IS BETTER TO BE LOVED THAN FEARED

Coming down now to the other aforementioned qualities, I say that every prince ought to desire the reputation of being merciful, and not cruel; at the same time,

<sup>21</sup> Benito Mussolini, *The Doctrine of Fascism*, trans. I. S. Munro (Rome: Encyclopedie Italiano, 1934).



he should be careful not to misuse that mercy. Cesare Borgia was reputed cruel, yet by his cruelty he reunited the Romagna to his states, and restored that province to order, peace, and loyalty; and if we carefully examine his course, we shall find it to have been really much more merciful than the course of the people of Florence, who, to escape the reputation of cruelty, allowed Pistoia to be destroyed. A prince, therefore, should not mind the ill repute of cruelty, when he can thereby keep his subjects united and loyal; for a few displays of severity will really be more merciful than to allow, by an excess of clemency, disorders to occur, which are apt to result in rapine and murder; for these injure a whole community, while the executions ordered by the prince fall only upon a few individuals. And, above all others, the new prince will find it almost impossible to avoid the reputation of cruelty because new states are generally exposed to many dangers. . . .

A prince, however, should be slow to believe and to act; nor should he be too easily alarmed by his own fears, and should proceed moderately and with prudence and humanity, so that an excess of confidence may not make him incautious, nor too much mistrust make him intolerant. This, then, gives rise to the question "whether it be better to be beloved than feared, or to be feared than beloved." It will naturally be answered that it would be desirable to be both the one and the other; but as it is difficult to be both at the same time, it is much more safe to be feared than to be loved, when you have to choose between the two. For it may be said of men in general that they are ungrateful and fickle dissemblers, avoiders of danger, and greedy of gain. So long as you shower benefits upon them, they are all yours; they offer you their blood, their substance, their lives, and their children, provided the necessity for it is far off; but when it is near at hand, then they revolt. And the prince who relies upon their words, without having otherwise provided for his security, is ruined; for friendships that are won by rewards, and not by greatness and nobility of soul, although deserved, yet are not real, and cannot be depended upon in time of adversity.

Besides, men have less hesitation in offering one who makes himself beloved than one who makes himself feared; for love holds by a bond of obligation which, as mankind is bad, is broken on every occasion whenever it is for the interest of the obliged party to break it. But fear holds by the apprehension of punishment, which never leaves men. A prince, however, should make himself feared in such a manner that, if he has not won the affections of his people, he shall at least not incur their hatred; for the being feared, and not hated, can go very well together, if the prince abstains from taking the substance of his subjects, and leaves them their women. And if you should be obliged to inflict capital punishment upon any one, then be sure to do so only when there is manifest cause and proper justification for it; and, above all things, abstain from taking people's property, for men will sooner forget the death of their fathers than the loss of their patrimony. Besides, there will never be any lack of reasons for taking people's property; and a prince who once begins to live by rapine will ever

find excuses for seizing other people's property. On the other hand, reasons for taking life are not so easily found, and are more readily exhausted. But when a prince is at the head of his army, with a multitude of soldiers under his command, then it is above all things necessary for him to disregard the reputation of cruelty; for without such severity an army cannot be kept together, nor disposed for any successful feat of arms. . . .

To come back now to the question whether it be better to be beloved than feared, I conclude that, as men love of their own free will, but are inspired with fear by the will of the prince, a wise prince should always rely upon himself, and not upon the will of others; but, above all, should he always strive to avoid being hated, as I have already said above.<sup>22</sup>

## F. THE ALTERNATIVE TO GOVERNMENT: ANARCHISM

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We have all known and heard about bad governments. Sometimes it is a single corrupt politician that is bad, other times it is the political system itself. But those political (or perhaps "antipolitical") philosophers who call themselves "anarchists" would say that it is the very nature of government that is "bad," insofar as every government has and exercises unjustified power over its citizens. No one and no institution, including governments, has the right to interfere with our lives, according to the anarchist. Of course we must agree not to kill each other (as the social contract insists), but we don't need a government in order to enforce such agreements. Proper upbringing and mutual respect alone will be sufficient.

Sometimes anarchists are also tied to theories of revolution insofar as they believe that economic inequality and desperation force most people to commit crimes and destroy social harmony. But in a society where people had no unsatisfied needs, they argue, there would be no need for violence or robbery either. It is essential to anarchism to have an optimistic, Rousseauian view of human nature as "naturally good." It is impossible to accept a Hobbesian "mutual-murder" view and still have faith in people's ability to live together without governments. Anarchists often suggest breaking mass societies into smaller units, such as communes and local communities in which mutual personal relationships make the need for impersonal government unnecessary. In such communities, there may be those who are in charge of certain tasks, but this is a matter of efficiency and administration, not of power. There may be rules but not laws, for the very idea of enforcement of laws presupposes a government in power and is antithetical to the anarchist ideal.

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<sup>22</sup>Niccolò Machiavelli, *The Prince*, trans. Christian E. Detmold (New York: Airmont, 1965).

"Anarchism" has often been used as a nasty word pointing to total chaos. Politicians in power often refer to the alternative to their rule as "anarchy and chaos," as if anarchy must always be sheer confusion. Although the word originally meant simply "without a leader," it perhaps has taken on the meaning of chaos because of those anarchists in history who have attacked their governments in a wild and destructive fashion. The word now conjures up images of "bomb-throwing anarchists" and widespread rape and murder. But this is not essential to anarchism as a political theory. (Sometimes the word *anarchism* is used to refer to the theory; *anarchy* is used to point to political confusion and chaos.) Many anarchists would argue that it is only because governments treat us like children that we can no longer conceive what it would be like without them. But if we are to take the notion of individual freedom and rights seriously, according to the anarchist, then we will have to conclude that the only good government is no government, for any government is by its very existence a threat to individual freedom and an infringement of individual rights.

The anarchist position is here represented by Benjamin R. Tucker, an American who believed in the social contract theory but argued that the only logical conclusion to a social contract would be no state at all:

**"FOR ANARCHISM,"**

BY **BENJAMIN R. TUCKER**

Presumably the honor which you have done me in inviting me to address you to-day upon "The Relation of the State to the Individual" is due principally to the fact that circumstances have combined to make me somewhat conspicuous as an exponent of the theory of Modern Anarchism—a theory which is coming to be more and more regarded as one of the few that are tenable as a basis of political and social life. In its name, then, I shall speak to you in discussing this question, which either underlies or closely touches almost every practical problem that confronts this generation. The future of the tariff, or taxation, of finance, of property, of woman, of marriage, of the family, of the suffrage, of education, of invention, of literature, of science, of the arts, of personal habits, of private character, of ethics, of religion, will be determined by the conclusion at which mankind shall arrive as to whether and how far the individual owes allegiance to the State.

Anarchism, in dealing with this subject, has found it necessary, first of all, to define its terms. . . . Take the term "State," for instance, with which we are especially concerned to-day. It is a word that is on every lip. But how many of those who use it have any idea of what they mean by it? And, of the few who have, how various are their conceptions! We designate by the term "State" institutions that embody absolutism in its extreme form and institutions that temper it with more or less liberality. We apply the word alike to institutions that do nothing but aggress and to institutions that, besides aggressing, to some extent protect and defend. But which is the State's essential function, aggression or defence, few seem to know or care. . . . Brought fact to face with these diverse views, the

Anarchists, whose mission in the world is the abolition of aggression and all the evils that result therefrom, perceived that, to be understood, they must attach some definite and avowed significance to the terms which they are obliged to employ, and especially in the words "State" and "government." Seeking, then, the elements common to all the institutions to which the name "State" has been applied, they have found them two in number: first, aggression; second, the assumption of sole authority over a given area and all within it, exercised generally for the double purpose of more complete oppression of its subjects and extension of its boundaries. That this second element is common to all States, I think, will not be denied,—at least, I am not aware that any State has ever tolerated a rival State within its borders; and it seems plain that any State which should do so would thereby cease to be a State and to be considered as such by any. The exercise of authority over the same area by two States is a contradiction. That the first element, aggression, has been and is common to all States will probably be less generally admitted. Nevertheless, I shall not attempt to re-enforce here the conclusion of Spencer, which is gaining wider acceptance daily,—that the State had its origin in aggression, and has continued as an aggressive institution from its birth. Defence was an afterthought, prompted by necessity; and its introduction as a State function, though effected doubtless with a view to the strengthening of the State, was really and in principle the initiation of the State's destruction. Its growth in importance is but an evidence of the tendency of progress toward the abolition of the State. Taking this view of the matter, the Anarchists contend that defence is not an essential of the State, but that aggression is. Now what is aggression? Aggression is simply another name for government. Aggression, invasion, government, are interconvertible terms. The essence of government is control, or the attempt to control. He who attempts to control another is a governor, an aggressor, an invader; and the nature of such invasion is not changed, whether it is made by one man upon another man, after the manner of the ordinary criminal, or by one man upon all other men, after the manner of an absolute monarch, or by all other men upon one man, after the manner of a modern democracy. On the other hand, he who resists another's attempt to control is not an aggressor, an invader, a governor, but simple a defender, a protector; . . .

This, then, is the Anarchistic definition of government: the subjection of the non-invasive individual to an external will. And this is the Anarchistic definition of the State: the embodiment of the principle of invasion in an individual, or a band of individuals, assuming to act as representatives or masters of the entire people within a given area. . . .

Now comes the question proper: What relations should exist between the State and the individual? The general method of determining these is to apply some theory of ethics involving a basis of moral obligation. In this method the Anarchists have no confidence. The idea of moral obligation, of inherent rights and duties, they totally discard. They look upon all obligations, not as moral, but as social, and even then not really as obligations except as these have been consciously and voluntarily assumed. . . .

The history of humanity has been largely one long and gradual discovery of the fact that the individual is the gainer by society exactly in proportion as society is free, and of the law that the condition of a permanent and harmonious society is the greatest amount of individual liberty compatible with equality of liberty. The average man of each new generation has said to himself more clearly and consciously than his predecessor: "My neighbor is not my enemy, but my friend, and I am his, if we would but mutually recognize the fact. We help each other to a better, fuller, happier living; and this service might be greatly increased if we would cease to restrict, hamper, and oppress each other. Why can we not agree to let each live his own life, neither of us transgressing the limit that separates our individualities?" It is by this reasoning that mankind is approaching the real social contract, which is not, as Rousseau thought, the origin of society, but rather the outcome of a long social experience, the fruit of its follies and disasters. It is obvious that this contract, this social law, developed to its perfection, excludes all aggression, all violation of equality of liberty, all invasion of every kind. Considering this contract in connection with the Anarchistic definition of the State as the embodiment of the principle of invasion, we see that the State is antagonistic to society; and, society being essential to individual life and development, the conclusion leaps to the eyes that the relation of the State to the individual and of the individual to the State must be one of hostility enduring till the State shall perish.<sup>23</sup>

## SUMMARY AND CONCLUSION

In some areas of philosophy, the question arises, "What does this have to do with everyday life?" In political philosophy, as in moral philosophy, the connection between philosophy and "everyday life" is obvious. It is no coincidence that the major revolutions of the eighteenth and nineteenth centuries came soon after a flurry of philosophical radicalism. And we know that much of the world is divided and ruled according to rival political philosophies at the present time.

What is always at issue is the concept of justice. The ideas that people are equal and should be treated equally, that people have natural or human rights that no one and no government can take away from them, that people should equally share the material goods of society—these have all been the subject of constant debate, and sometimes wars and revolutions, for most of modern times. Then too, the nature of the state itself has been part of that debate as well as the stage on which the debate has been carried out. How much should the state serve the people and how much the people serve the state? What constitutes a good state? And when, if ever, do people

<sup>23</sup> Benjamin R. Tucker, *Instead of a Book* (New York: Benjamin R. Tucker, 1893).

have the right to overthrow the state, or a particular government, or a particular law? We cannot even begin to give adequate answers to these complex questions in the context of a general introduction to philosophy; but neither can we avoid asking them in the world as it is today.

## GLOSSARY

**alienation** In Marx, the unnatural separation of a person from the products he or she makes, from other people, or from oneself.

**anarchism** The view that no government has the legitimate authority to coerce people and that the public interest and individual rights can only be served without a state of any kind.

**authority** That which controls; usually, that which has the right to control. (For example, the government has the authority to tax your income.)

**civil rights** Those rights that are determined by a particular state and its laws; constitutional rights, for example, are civil rights in this sense, guaranteed by the law of the land.

**democracy** That form of government in which policies or at least the makers of policy are chosen by popular mandate.

**distributive justice** The ideal of everyone receiving his or her fair share. For example, concerns over ownership of land, just wages, and fair prices are all matters of distributive justice.

**egalitarianism** The view that all people are equal in rights and respect.

**entitlement** A right; for instance, a right to own property.

**equality** In political philosophy, the nondiscriminatory treatment of every person, regardless of sex, race, religion, physical or mental abilities, wealth, social status, and so forth.

**fascism** The view that the best government is the strongest, and that the government has the right—and perhaps the duty—to control the lives of every citizen for the sake of the most efficient society.

**freedom** See liberty.

**government** The instrument of authority; that body that rules, passes and enforces laws, and so forth.

**human rights** Those rights that are considered to be universal, “unalienable,” and common to every person regardless of where or when he or she lives. For example, freedom from torture and degradation would be a human right.

**justice** In the general sense, the virtues of an ideal society. In the more particular sense, the balance of public interest and individual rights, the fair sharing of the available goods of society, the proper punishment of criminals, and the fair restitution of victims of crime and misfortune within society.

**legitimacy** The right to have authority; sanctioned power (for example, through the grace of God, by means of legal succession, by appeal to justice, or to the general consent of the people governed).

**liberty (political freedom)** The ability to act without restraint or threat of punishment. For example, the ability to travel between states without a passport, the ability to speak one’s opinions without prosecution, or the ability to work for or choose one’s own profession or career. This ability, however, is not mere physical or mental ability; one might have the liberty to travel or to try to become a doctor without having the means to do so. It is also

important to distinguish this political sense of liberty or freedom from the metaphysical or causal sense discussed previously. Whether our acts are really free in that sense must be distinguished from the question whether we are constrained or free to act in this political sense. The first refers to the causes of human behavior; the second refers only to the existence of legislation and political forces constraining our behavior.

**retributive justice** "Getting even" or "an eye for an eye."

**rights** Demands that a member of society is entitled to make upon his or her society. Everyone, for example, has a right to police protection. Some people, by virtue of their position, have special rights; for example, congressmen have the right to send mail to their constituents without paying postage.

**social contract** An agreement, tacit or explicit, that all members of society shall abide by the laws of the state in order to maximize the public interest and ensure cooperation among themselves. It is important that such a contract need never have actually been signed in history; what is important is that every member of a society, by choosing to remain in that society, implicitly makes such an agreement.

**society** A group of people with common historical and cultural ties; usually but not always, members of the same state and ruled by the same government.

**sovereign** Independent. A sovereign state is one that is subject to the laws of no other state. A sovereign is a person (for example, a king) who is not subject or answerable to the commands of anyone else. A people are sovereign when their wishes are ultimate in the same way and not subject to commands by anyone else or any government. (To say that a people is sovereign is not to say that the will of any individual or group is sovereign within it.)

**state** The center of authority in a society, for example, the largest political unit in a society. Usually a state is a nation, for example, the United States, Germany, and so on. Usually, but not always, coextensive with a society, and usually, but not always, distinguished by a single form of government and a single government (for example, the U.S. federal government).

**unalienable rights** Those rights that no one and no government can take away, for example, the right of a person to protect his or her own life. In other words, *human rights*.

## BIBLIOGRAPHY AND FURTHER READING

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