John Stuart Mill (1806–1873) was the most important English philosopher during the 125 years between the death of David Hume in 1776 and the turn of the twentieth century. Trained from his youth by his father, James Mill, to be a defender of the utilitarian doctrine of Jeremy Bentham and the Philosophical Radicals, Mill devoted his early years to an unquestioning support of his father’s principles. After undergoing a severe emotional crisis in his twenties, Mill gave up the narrow doctrine of Bentham and became instead an eclectic synthesizer of the views of such diverse schools as the French utopian socialists and the German romantics.

Mill was active in the public life of England, first as an officer (and eventually head) of the great East India Company, a principal instrument of English economic expansion during the nineteenth century, and later as a member of Parliament. In addition to the books on moral and political topics that have established him as one of the leading advocates of liberalism, Mill also wrote a number of highly influential works on logic and the theory of knowledge, including A System of Logic and An Examination of Sir William Hamilton’s Philosophy.

As a young man, Mill befriended Mrs. Harriet Taylor, with whom he maintained a close relationship until, after her husband’s death, they were married in 1851. Mill believed Mrs. Taylor to be an enormously gifted thinker, and he was convinced that she would have made her mark on English letters had it not been for the powerful prejudice against women that operated then, as it does now. His relationship with Mrs. Taylor made Mill sensitive to the discrimination against women, with the result that he became one of the few philosophers to speak out on the matter. His discussion of the problem appears in a late work, The Subjection of Women, published four years before his death.
One of the central analytical devices of the great social and political philosophy of the seventeenth and eighteenth centuries is the “state of nature,” that condition or situation of human beings in which there is no state, no government, no law. Some philosophers, like Thomas Hobbes, portray this pre-social and political condition as an ugly and dangerous time of strife and constant danger. Others, like the Swiss philosopher Jean-Jacques Rousseau, conceive of the state of nature as an ideal time in which human beings can develop their true nature uncorrupted by civilization. Even today, we find some people who love city life, and think of the country as a bleak and boring place, while others hate city life and long for the simplicity and beauty of the country. The truth, of course, is more complicated, as Cathcart and Klein recognize.

A wild rabbit is caught and taken to a National Institutes of Health laboratory. When he arrived, he was befriended by a rabbit that had been born and raised in the lab.

One evening the wild rabbit noticed that his cage hadn’t been properly closed and decided to make a break for freedom. He invited the lab rabbit to join him. The lab rabbit was unsure, as he had never been outside the lab, but the wild rabbit finally convinced him to give it a try.

Once they were free, the wild rabbit said, “I’ll show you the number-three best field,” and took the lab rabbit to a field full of lettuce.

After they had eaten their fill, the wild rabbit said, “Now I’ll show you the number-two best field,” and took the lab rabbit to a field full of carrots.

After they had had their fill of carrots, the wild rabbit said, “Now I’ll take you to the number-one best field,” and took the lab rabbit to a warren full of female bunnies. It was heaven—non-stop lovemaking all night long.

As dawn was beginning to break, the lab rabbit announced that he would have to be getting back to the lab.
“Why?” said the wild rabbit. “I have shown you the number-three best field with the lettuce, the number-two best field with the carrots, and the number-one best field with the ladies. Why do you want to get back to the lab?”

The lab rabbit replied, “I can’t help it. I’m dying for a cigarette!”

As Cathcart and Klein comment, “Such are the benefits of an organized society.”

MILL AND CLASSICAL LAISSEZ-FAIRE LIBERALISM

Some, it is said, are born great; some achieve greatness; and some have greatness thrust upon them. To that saying we might add: and some are trained from birth for greatness. Of all the philosophers who have won for themselves a place in the ranks of the great, none was more carefully groomed, schooled, prodded, and pushed into greatness than the English empiricist and utilitarian thinker of the nineteenth century, John Stuart Mill. Never has a child been given less chance to “do his own thing,” and never has a man defended with greater eloquence the right of every man and woman to be left free from the intrusions of well-meaning parents, friends, and governments. Though it would be wrong to reduce Mill’s mature philosophical views to the level of mere psychological reflections on his childhood experiences, the temptation is irresistible to see in his adult career a reaction to the pressures of his youth.

Mill was born in 1806, a time when a strong movement was developing to reform the political life of England. The intellectual leader of the movement was the same Jeremy Bentham whose utilitarian doctrines you encountered in Chapter 5. We took our first look at utilitarianism in its guise as a moral philosophy designed to lay down a principle for calculating what actions are right for an individual facing a decision. But Bentham’s primary interest was in social issues, not in private morality. He conceived the Principle of Utility as a weapon in the attack on the traditions, privileges, laws, and perquisites of the English upper classes. So long as courts and governments could hide behind precedent or immemorial custom, it was extremely hard to force them to admit the injustices and irrationalities of the social system. But once those ancient customs were put to the test of the Principle of Utility, it was immediately clear how badly they had failed to produce the greatest happiness for the greatest number.

One of Bentham’s close friends and associates in the reform movement was the philosopher James Mill. Mill was a thinker of considerable distinction, although he has long since been eclipsed by his more famous son. His writings on economics and moral philosophy erected a system, on Benthamite foundations, which served as a fortress from which the Philosophical Radicals, as they were called, sallied forth to do battle with the last remnants of the aristocratic hosts. Shortly after the birth of his son John Stuart, James Mill met Bentham and joined forces with him. Mill decided to train his son as a soldier in the reform movement, and no medieval squire ever had a more rigorous preparation for combat. Little John Stuart began studying Greek at the age of three. His father surrounded him with Latin-speaking servants, so that by the age of eight he could dig into that other ancient tongue. Logic was young John Stuart’s fare at twelve, to be followed shortly by the study of the new science of political economy. Formal religion was deliberately omitted from the curriculum, but the poor lad may be forgiven for having somewhat formed the notion that he was being raised by an orthodox utilitarian.

By the time he reached adulthood, John Stuart Mill was a brilliant, finely honed logical weapon in the armory of his father’s political battles. He wrote attacks on
James Mill (1773–1836) was a close friend and colleague of Jeremy Bentham, the founder of the doctrine known as utilitarianism. Mill led a group of English political reformers who believed that social justice and wise government required a broadening of the franchise to include the industrial middle classes in England, and a thoroughgoing overhaul of the antiquated laws and governmental machinery which, in Mill’s day, strongly favored the landed interests in England. Mill and the Philosophical Radicals, as his circle of supporters was called, succeeded in generating enough support to carry through a number of major reforms, culminating in the sweeping Reform Bill of 1832. Mill’s son, the great John Stuart Mill, had this to say about his father’s position in *The Autobiography of John Stuart Mill*:

“So complete was my father’s reliance on the influence of reason over the minds of mankind, whenever it is allowed to reach them, that he felt as if all would be gained if the whole population were taught to read, if all sorts of opinions were allowed to be addressed to them by word and by writing, and if by means of the suffrage they could nominate a legislature to give effect to the opinions they adopted.”

James Mill (1773–1836)

(1773–1836)

Source: The Granger Collection

the antiquated legal and political institutions of England, defending his points with straight utilitarian dogma.

Not surprisingly, Mill finally broke under the strain of this rigid, doctrinaire discipline. At the age of twenty, he suffered an internal emotional crisis and began what was to be a lifelong reevaluation of the Benthamism of his father and his father’s allies. Though it is always a mistake to sum up a great philosopher’s work in a single phrase, we can get some general overview of Mill’s subsequent intellectual development by saying that he spent his life struggling to broaden, deepen, and complicate the extremely simple philosophical theory into which he was initiated as a boy.

The doctrine of the reformers was clear, coherent, and attractively free from the mystifications that clouded the writings of the conservative defenders of the old order. As Bentham had laid it down, the only good in this world is pleasure; the only evil, pain. Human actions are goal-oriented, purposeful actions. Our desires determine what objects or experiences we choose as our goals, and reason aids us in discovering the most efficient path to those goals. The question “What ought I to do?” is either a question of goals— “What should I desire?”—or it is a question of means— “How can I reach my goal most easily?” But there is no point in disputing about desires. We either want something or we do not, and whatever pleasure we experience comes to us as the result of satisfying a desire. So the only questions worth debating are factual questions of means: “Is this the best way to satisfy my desire, or would that way be quicker, cheaper, easier?”

If abstruse questions of natural rights and absolute goodness are to be disputed, then common men and women will be hard put to keep up with trained philosophers, lawyers, or theologians. But if Bentham is right, then the fundamental moral question is simply, “Does it feel good?” “Is this experience pleasurable?” Now each one of us is the best judge of whether he or she is feeling pleasure or pain, so utilitarianism has the effect of eliminating expertise and putting all men and women on
CHAPTER 6
Social and Political Philosophy

an equal footing in moral debates. What is more, Bentham insisted, the only morally relevant distinction between pleasures and pains is a quantitative distinction of more and less. As Bentham put it, pushpin (a child’s game) is as good as poetry, as long as it gives you an equal amount of pleasure. This doctrine too had the effect of leveling the social distinctions between the high and low born, for it had been easy for the cultivated upper classes to insist that they were privy to joys and sorrows too refined for the lower classes even to imagine. In these ways—by making each person the judge of his or her own happiness and by making quantity the only significant variable—utilitarianism provided a philosophical justification for a democratic social program.

All persons are basically prudent, rationally self-interested actors. That is to say, we seek to satisfy our desires in the most extensive and pleasurable way, and we use the resources available to us—money, talent, power—in the most efficient manner possible. But there are two great obstacles to fully rational self-interested action. The first of these, the target of the eighteenth-century enlightenment, is superstition. So long as people falsely believe that they have no right to satisfy their desires; so long as religion, ancient custom, or class distinctions inhibit common men and women from using the resources they have for the achievement of their own happiness; so long, in short, as the reasoning power of the mind is clouded by fear, awe, and false belief—then just so long will the injustices and inequalities of society continue. The second obstacle is the ignorance that even enlightened men and women suffer of the facts of science and public affairs, ignorance of the most efficient means for pursuing legitimate satisfactions.

Education was the weapon utilitarians aimed at these twin enemies, superstition and ignorance. Education was to perform two tasks: first, to liberate enslaved minds from the superstitious religious and political dogmas of the past and, second, to introduce the liberated minds to the facts of science and society. An educated population could then be counted on to support wise public policy, for such policy would aim at the greatest happiness of the greatest number, and that simply meant their own happiness as private citizens. Thus, utilitarianism combined a psychological theory of individual motivation with a moral theory of the good and an educational theory of enlightenment to produce what we today call a political theory of liberal democracy.

It remains to mention one last element of the utilitarian system, an element that may well have been the most important of all, namely the laissez-faire economic theory created by Adam Smith and David Ricardo and deployed by James Mill and his son in the great debates over public policy. This is not an economics textbook, and philosophy is hard enough all by itself, but at least a few words must be said about the laissez-faire theory in order to fill out Mill’s position and set the stage for the powerful attacks that Karl Marx launched against it a very few years later.

The major fact of the end of the eighteenth century and the beginning of the nineteenth was, of course, the growth of mercantile and industrial capitalism. The key to the new capitalism was the systematic investment of accumulated wealth, or “capital,” for the purpose of producing goods that could be sold at a profit in the marketplace. The individual who set the economic activity in motion was called an “entrepreneur,” which is French for “undertaker” and means someone who undertakes to do something, not someone who buries someone (although critics of capitalism might have argued that there was indeed a connection between the two meanings). The capitalist undertook to rent the land, hire the labor, buy the raw materials, and bring together these factors of production in a process that resulted
in finished goods. The goods were put on sale in a market where no law fixed
the prices that must be paid or the profits that could be made. Adam Smith, in
his famous treatise *The Wealth of Nations*, argued that if all people were permit-
ted to do the best they could for themselves—workers, capitalists, merchants, and
consumers—then the net result would be the most efficient use of the resources
of the nation for the production of goods designed to satisfy human desires. The
consumers would spend their money in the marketplace in such a way as to get
the greatest pleasure for value. If one sort of product rose too high in price, they
would shift to another, for paying all your money for a single piece of meat would
be foolish when the same money could buy you fish, eggs, shoes, and a coat. The
capitalists would pull their capital out of areas where too much was being pro-
duced, because as supply exceeded demand, they would be forced to drop their
prices in order to unload their inventory, and profits would tumble. In the same
way, if there were customers clamoring for a commodity that was not being pro-
duced, they would bid up the price in the market, drive up profits in that branch
of business, and attract profit-seeking capitalists who would open new factories to
“capitalize” on the unsatisfied demand.

Since happiness is pleasure, pleasure results from the satisfaction of desire,
and consumers buy goods to satisfy desires, it follows that the capitalists trying to
make a profit are at the same time actually working to make the consumers happy.
They are not trying to make them happy, of course! The capitalists, like all men
and women, are rationally self-interested pleasure maximizers. But the genius of
the new capitalist free market system was precisely that each person, seeking only
his or her own good, automatically advanced the good of others. Thus selfishness
could be counted on to do rationally and efficiently what altruism never quite man-
aged—namely, to produce the greatest happiness possible for the greatest number
of people. Here is how Adam Smith puts it in a passage that is much quoted and
copied. Smith is actually in the midst of a discussion of restrictions on imports, but
the thesis he enunciates has a quite general application:
Mill read widely in authors whose views were far removed from those of Bentham and his father. He learned from the Romantic critics of the reform movement even as he sought to counter their arguments. He studied the writings of such acute conservative observers as Alexis de Tocqueville, and even absorbed the lessons of the French socialists, though he seems not to have read or appreciated the more powerful theoretical assault mounted by the great German socialist Karl Marx. The breadth of his learning and his personal dissatisfaction with the narrow dogma of his father led Mill to doubt or even to deny some of the central tenets of utilitarian philosophy and social policy. Nevertheless, to the end of his life, his mind remained trapped within the confines of the principles he had been taught as a youth.

In at least three important ways, Mill questioned the theses of the orthodox reform doctrine. First, he denied Bentham’s egalitarian insistence that any pleasure, in and of itself, is as good as any other (which, as we have seen, is a roundabout way of saying that any person is as good as any other). As far back as Plato, philosophers had argued that some pleasures are simply finer, higher, morally better than other pleasures. Usually, as we might expect, they claimed that the pleasures of the mind are superior to the pleasures of the body. Bentham was prepared to admit that some pleasures are more intense, or more long lasting, or had more pleasant after-effects than others. A quart of bad wine might give less pleasure than a sip of fine brandy. A night of drinking might be followed by such a horrendous morning after that the total experience would add up to a minus rather than a plus. Some pleasures, like some foods, might be acquired tastes, requiring knowledge and long practice before they could be properly appreciated. But after all this had been taken into account—and Bentham carefully did take it into account—utilitarianism still insisted that only quantity and not quality of pleasure mattered. Mill could not accept this teaching, fundamental though it was to the philosophy he had been trained
to defend. He was stung by the critics of utilitarianism who made it out to be a brutish or degraded philosophy, a philosophy of the base appetites. In replying to their charge, he drew a distinction between higher and lower pleasures that fundamentally altered the significance and logical force of utilitarianism. Here is the passage, taken from an essay called “Utilitarianism,” which Mill first published in a magazine and later as a short book.

JOHN STUART MILL

Utilitarianism

Higher and Lower Pleasures

Now such a theory of life excites in many minds, and among them in some of the most estimable in feeling and purpose, inveterate dislike. To suppose that life has (as they express it) no higher end than pleasure—no better and nobler object of desire and pursuit—they designate as utterly mean and groveling, as a doctrine worthy only of swine, to whom the followers of Epicurus were, at a very early period, contemptuously likened; and modern holders of the doctrine are occasionally made the subject of equally polite comparisons by its German, French, and English assailants.

When thus attacked, the Epicureans have always answered that it is not they, but their accusers, who represent human nature in a degrading light, since the accusation supposes human beings to be capable of no pleasures except those of which swine are capable. If this supposition were true, the charge could not be gainsaid, but would then be no longer an imputation; for if the sources of pleasure were precisely the same to human beings and to swine, the rule of life which is good enough for the one would be good enough for the other. The comparison of the Epicurean life to that of beasts is felt as degrading, precisely because a beast’s pleasures do not satisfy a human being’s conceptions of happiness. Human beings have faculties more elevated than the animal appetites and, when once made conscious of them, do not regard anything as happiness which does not include their gratification.

It is quite compatible with the principle of utility to recognize the fact that some kinds of pleasure are more desirable and more valuable than others. It would be absurd that, while in estimating all other things quality is considered as well as quantity, the estimation of pleasure should be supposed to depend on quantity alone.

If I am asked what I mean by difference of quality in pleasures, or what makes one pleasure more valuable than another, merely as a pleasure, except its being greater in amount, there is but one possible answer. Of two pleasures, if there be one to which all or almost all who have experience of both give a decided preference, irrespective of any feeling of moral obligation to prefer it, that is the more desirable pleasure. If one of the two is, by those who are competently acquainted with both, placed so far above the other that they prefer it, even though knowing it to be attended with a greater amount of discontent, and would not resign it for any quantity of the other pleasure which their nature is capable of, we are justified in ascribing to the preferred enjoyment a superiority in quality so far outweighing quantity as to render it, in comparison, of small account.

Now it is an unquestionable fact that those who are equally acquainted with and equally capable of appreciating and enjoying both do give a most marked preference to the manner of existence which employs their higher faculties. Few human creatures
There are a number of tricky logical problems with the position Mill defends here, the complete analysis of which would carry us into some rather dry and technical regions of the theory of utility. But one problem springs instantly from the page at us. If not all pleasures are equal in quality, if some persons of more refined sensibility are better able to judge of the quality of pleasures, then the basic democratic one-person–one-vote thrust of utilitarianism is lost. Instead of giving every person, however low in station or meager in education, an equal voice in the choice of the ends of social policy, special weight shall have to be accorded to the opinions of that educated minority who have tasted the elevated pleasures of the mind—to those who claim, from the height of their culture, that Bach is better than rock and cordon bleu better than cheeseburgers. The fact is that Mill does indeed exhibit just such an aristocratic bias in his political writings, both in regard to the privileged position of the upper classes within England and also in regard to England’s privileged position in her colonies vis-à-vis the “subject races” not yet raised to her own level of culture. The cultural imperialism of Mill, as we may call it, is of course interesting as a fact about the man and his times. But it also is a first-rate example of the way in which an apparently trivial philosophical argument about a technical point can carry with it very large consequences for the most practical questions of politics.

Mill’s second revision of his father’s faith concerned the rationality and predictability of the laborers, capitalists, and consumers who interact in the marketplace. The doctrine of laissez-faire, with its emphasis on limited government intervention in the market and a removal of all regulations on trade and commerce, depends upon two assumptions, as we have already seen. The first is that economic actors can be counted on to behave in a rationally self-interested manner, buying as cheaply as possible, taking the highest wages available, and always looking for a profit; the second, which depended for its plausibility on the first, is that an economy run along laissez-faire lines and populated by rationally self-interested persons will maximize growth and
production and thereby create the greatest happiness possible, within the limits of natural resources and technology, for the greatest number of people. In one of his major works, *Principles of Political Economy*, Mill denied the first of these two assumptions and thereby laid the theoretical groundwork for the rejection of the second.

First let us look at Mill’s argument. Then we will consider its significance.

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**JOHN STUART MILL**

*Principles of Political Economy*

Under the rule of individual property, the division of the produce is the result of two determining agencies: Competition and Custom. It is important to ascertain the amount of influence which belongs to each of these causes, and in what manner the operation of one is modified by the other.

Political economists generally, and English political economists above others, have been accustomed to lay almost exclusive stress upon the first of these agencies; to exaggerate the effect of competition, and to take into little account the other and conflicting principle. They are apt to express themselves as if they thought that competition actually does, in all cases, whatever it can be shown to be the tendency of competition to do. This is partly intelligible, if we consider that only through the principle of competition has political economy any pretension to the character of a science. So far as rents, profits, wages, prices, are determined by competition, laws may be assigned for them. Assume competition to be their exclusive regulator, and principles of broad generality and scientific precision may be laid down, according to which they will be regulated. The political economist justly deems this his proper business: and as an abstract or hypothetical science, political economy cannot be required to do, and indeed cannot do, anything more. But it would be a great misconception of the actual course of human affairs, to suppose that competition exercises in fact this unlimited sway. I am not speaking of monopolies, either natural or artificial, or of any interferences of authority with the liberty of production or exchange. Such disturbing causes have always been allowed for by political economists. I speak of cases in which there is nothing to restrain competition; no hindrance to it either in the nature of the case or in artificial obstacles; yet in which the result is not determined by competition, but by custom or usage; competition either not taking place at all, or producing its effect in quite a different manner from that which is ordinarily assumed to be natural to it.

Since custom stands its ground against competition to so considerable an extent, even where, from the multitude of competitors and the general energy in the pursuit of gain, the spirit of competition is strongest, we may be sure that this is much more the case where people are content with smaller gains, and estimate their pecuniary interest at a lower rate when balanced against their case or their pleasure. I believe it will often be found, in Continental Europe, that prices and charges, of some or of all sorts, are much higher in some places than in others not far distant, without its being possible to assign any other cause than that it has always been so: the customers are used to it, and acquiesce in it. An enterprising competitor, with sufficient capital, might force down the charges, and make his fortune during the process; but there are no enterprising competitors; those who have capital prefer to leave it where it is, or to make less profit by it in a more quiet way.
Mill is saying that although the behavior of men and women in the market may be *predictable*, it is not *calculable*. The difference is fundamental, so perhaps we should take a moment to explain it more clearly. Suppose I want to open a snack shop, and I am trying to decide whether to locate downtown or in a new mall being built on the edge of town. I know that the mall will have a number of discount outlets selling well-known brands at very low prices. If I can assume that consumers will be motivated solely by a desire to minimize their expenditures for the goods they buy, then I can calculate (without any special information about shopping habits in this area) that the mall will be crowded with bargain hunters. Since I want my snack shop to be where the shoppers are, I will choose the mall.

But if Mill is right (as in fact he is), then a certain proportion of the shoppers will go on shopping downtown, whether out of habit or because they care enough about such nonmonetary things as the familiarity of the stores. There is no way in the world that I can foresee just how many shoppers will be influenced enough by these factors to go downtown instead of to the mall. I can observe shopping behavior in other towns and extrapolate to this case, or do an opinion survey of shoppers, or in some other fashion try to base my prediction on experience. With enough data, I may be able to *predict* what the shoppers will do, so that I can decide where to put my snack shop. But there is no way that I can *calculate* their behavior.

As long as economic actors in the marketplace act in a rationally self-interested way, I can calculate their actions without any prior knowledge of their individual character, without elaborate collections of information about their past behavior. All I need know is that (1) they seek to maximize profits or enjoyments and (2) they will make use of the available information in a rational attempt to achieve that maximization. I can then carry out in my own head the same calculation they will carry out, and so I can calculate their actions. But if they are influenced by what Mill calls *custom*, which is to say by *irrational* tastes, habits, and preferences that deviate from the strict rationality of profit maximization, then I can only predict their behavior on the basis of vast quantities of systematically collected data about their past behavior. I cannot count on the “invisible hand” of the marketplace to direct their economic activities into the most productive areas. Capitalists may refrain, out of irrational habits or aversions, from shifting their capital into sectors of unmet market demand. Consumers may go on shopping at a more expensive store when identical goods are offered more cheaply next door. Workers may fail to quit low-paying jobs and move to better-paying jobs in labor-short industries.

The result will be a breakdown of the automatic mechanisms of the market and a need for scientifically controlled management of the economy by a central authority possessing both the information and the power to implement its judgments. In short, the slight revision that Mill makes in the classical theory of laissez-faire leads directly, although not immediately, to the modern managed economy of welfare-state capitalism.

Mill’s third alteration in the radical philosophy of James Mill follows directly from the first and concerns the government’s right to interfere with the private lives of its citizens. In his famous essay *On Liberty*, Mill argues for an absolute ban on all state or social intervention in the inner life of thoughts and feelings. But in the last chapter of the *Principles*, he takes a somewhat different line. To be sure, he says, “*Laissez-faire . . .* should be the general practice: every departure from it, unless required by some great good, is a certain evil.” But in considering permissible departures, Mill concedes a very great deal indeed. Listen to him in this suggestive passage:
We have been speaking thus far of Bentham, James Mill, and John Stuart Mill as “liberals,” and that is indeed how they spoke of themselves. But as often happens in politics, as in other fields, words shift their meanings as time passes. No word shows this tendency more strikingly than the word “liberal.”

“Liberal” comes from the same Latin root as “liberate,” which means “to set free.” The original, late-eighteenth-century and early-nineteenth-century liberals criticized the old order for its lack of “liberty,” both political and economic. Men and women were not politically free to speak as they chose, to worship in their own manner, to assemble, to participate in the selection of their government, to help make the laws by which they were ruled. And they were also not free to buy and sell as they wished, to take jobs anywhere they could find them, to start businesses and sell their goods at whatever price they thought best.
Bentham and the Mills believed that these two kinds of unfreedom were connected. They argued, by means of their doctrine of utilitarianism, that the citizens of a nation should be free, “liberated,” both to conduct their private lives as they chose and to conduct themselves in the marketplace, as employers or employees, buyers or sellers, consumers or producers, just as they saw fit. They argued that if the government would interfere as little as possible in either realm, men and women would be happier, and society as a whole would be better off.

Despite all his qualifications and revisions in the utilitarian creed, Mill remained faithful to its spirit. But powerful intellectual attacks were mounted on laissez-faire liberalism and utilitarianism. In the next section of this chapter, we shall listen to some of the voices of dissent. The attacks began as soon as industrial capitalism and its liberal defenders appeared. In the very first decades of the nineteenth century, Romantic conservative critics of industrialism and socialist critics of the capitalist organization of that industrialism appeared in England and on the Continent. But I do not want you to think that this is an ancient dispute, buried in dusty books written by men long dead. The very same argument continues today.

THE SOCIALIST ATTACK ON CAPITALISM

The misery of the workers in the early factories, the squalor of the slums in which they and their families suffered, and the gross contrast between their poverty and the wealth of the entrepreneurs provoked a flood of scathing condemnations of the new industrial order. Some of the criticisms were merely cries from the heart, but especially in France a number of philosophers and economists made an effort to discover the underlying causes of the suffering created by capitalism. It was the German Karl Marx, however, who mounted the most sustained, thoroughgoing, and intellectually impressive critique of the institutions, economic theories, and philosophical rationalizations of industrial capitalism.

The genius of Marx’s critique was that it met the liberal philosophy head on at its strongest point and turned its own arguments against itself. Liberalism and laissez-faire claimed to be rational doctrines stripped of all superstitious mystification. Conservatives denied the primacy of reason and attempted instead to elevate imagination or tradition to the first place. But Marx accepted the challenge of liberalism. Industrial capitalism, he insisted, is not rational. Instead, it is profoundly irrational, and its claims to rationality, expressed in its economic theory and in its philosophy, are no more than an ideological rationalization designed to conceal the inner illogic of capitalism and thereby preserve a system that favors the interests of a few at the expense of the lives of many.

Marx begins his criticism of capitalism with an analysis of it. How does capitalism work? What is Marx’s conception of the social and economic organization of a capitalist country? Upon first inspection, society at any one time seems an unorganized beehive of multifarious activities, without any system, pattern, or rationale. Agriculture, the arts, science, industry, government, religion, entertainment, marketing, war, charity, crime—the things men and women do—are endless in number and variety. Merely to list all of the categories of jobs being performed by someone or other is to lose oneself in a confusion of diversity. But Marx saw order in the chaos. He argued that in order to make sense of social life, we must distinguish a certain group of activities that are basic to the survival and reproduction of the human race. Each day, men and women work to transform nature into the food, clothing, and shelter they need to live. These economic activities form the base, or foundation, on which all else in the society rests. To distinguish the productive economic
activities from the philosophical theorizing that his German idealist predecessors had made so much of, Marx called the productive elements of society its material base. In calling the base “material,” he did not mean to suggest that it consisted of physical bodies rather than human thoughts, purposes, and plans, for even productive activities are intelligent, purposeful activities involving “ideas.” Rather, Marx wanted to emphasize the fundamental role of economic production as opposed to philosophy, religion, or art.

The material base of a society consists of three layers. The first is the means of production—the raw materials, land, and energy resources with which men and women work. The second layer—the forces of production—includes the factories, machinery, technology, industrial knowledge, and accumulated skills of those who transform the means of production by their labor. The third, and by far the most important, layer of the material base is what Marx called the social relationships of production. Since everything in Marx’s theory depends on this last element, we must take a few paragraphs to explain it in some detail.

Human beings are productive creatures, to be sure. But according to Marx, they are socially productive creatures. Men and women divide the labor among themselves, differentiating the process of production into a series of subjobs or specialties and then parceling out these pieces of the total productive process among different workers. Some people raise grain, others dig iron ore out of the ground. Others bake the grain into bread, and still others work the ore into tools and weapons. This division of labor also requires a system of exchange, for no one can live on the products of his or her own labor alone. The farmer needs the products of the carpenter, the carpenter needs the products of the metal worker, and the metal worker needs the grain grown by the farmer. The market is the system by which a never-ending chain of trades, or purchases and sales, distributes the products of labor among the members of society.

Although productive activity is cooperative, in the sense that there is a division of function and an exchange of products, it is by no means harmonious, equitable, or universally beneficent. Very early in human history, according to Marx, some men, by force of arms, succeed in seizing control over the vital means of production. They take the land, the streams, the mines, and the forests, and they prevent others from using them. Once these men have successfully asserted ownership of the means of production, they are in a position to extract a ransom from the rest of the men and women in the society. Pay me half of all you grow, the landholder says to the farmer, or I will not allow you to farm the land. The farmer has no choice, for if he does not farm, he starves. So two classes of people crystallize out of the social situation: the ruling class, which controls the means of production, and the underclass, which is forced to give up a part of the product of its labor in order to survive.

At first, of course, the naked force that holds the underclass down is obvious to all. But as time passes and generations succeed one another, sheer custom and familiarity confer legitimacy on what was originally mere might. The rulers pass on the control of the means of production to their sons and daughters, who grow up believing that it is theirs by right. The free time that the rulers have—because they eat and drink and wear what they do not have to produce—permits them to develop a culture and style of life quite different from that of the laboring majority. Small wonder that even those in the underclass soon come to believe that the rulers are “different.” They may not have been originally, but their descendants have certainly become so. As regular patterns of work, exchange, land ownership, and personal subordination develop, the rulers hold periodic courts to settle disputes that may have arisen in the enactment of those patterns. The decisions of these courts
become the law of the land. Needless to say, the decisions rarely threaten the interests of the rulers, for it is they who convene the courts, they who sit on the bench, and they who enforce the orders of the courts with their soldiers. Nor is it surprising that the religious men and women of the society bless the rulers and their dominance. Churches are economically unproductive institutions, and they can survive only by sharing in that portion of the product that the rulers have taken from the laborers.

The system of relationships connecting those who control the means of production and those who do not is called by Marx the social relationships of production. It is the basic fact about a society, and from it grow such other, secondary facts as the structure of the law, the dogmas of the dominant religion, and the underlying themes of the art and literature. Marx calls these subordinate or secondary features of a society its superstructure, conveying by this metaphor the notion that a society rests on, or is built upon, that portion of it that is the “base.” A more modern way of putting the same idea would be to say that the means, forces, and social relationships of production are the independent variables in a society, and that the law, politics, art, religion, and philosophy are the dependent variables.

In the superstructure, the state occupies a central place, for it is the instrument the ruling class uses to maintain its domination of the rest of the society. As the character of the social relationships of production changes, so does the character of the state. Under feudalism, which is a system of production based on ownership of land, the state is controlled by the landed aristocracy, which employs it to maintain control of the agricultural workers (or “serfs”) and to regulate the relationships between the great landholders (or “lords”) and their subordinate tenants (or “vassals”). This same system of landholding also forms the basis for the military organization of the society, thereby combining the control of the means of production with the supply of the force to maintain that control. In an industrial system of production, where capital rather than land is central to the productive process, the class that owns the capital (the “capitalists”) also controls the state. As Marx and his lifelong collaborator Friedrich Engels say in their most famous work, The Communist Manifesto, “The executive of the modern state is nothing but a committee for managing the common affairs of the whole bourgeoisie.”

How, according to Marx, do societies change over time? At any given moment, we may speak of the ruling class and the underclass. In our society, these are the bourgeoisie and the proletariat. But as new technology develops, as the division of labor is carried farther and farther, slow shifts take place in the material base. Within the feudal order, capitalism begins to grow. New ways of production and exchange give rise to new systems of relationships. At first, the changes seem minute by comparison with the overwhelming preponderance of economic activity. But little by little, more men and women are drawn into the new patterns of economic activity. The economically progressive group, or class, is at first disadvantaged, for the rules have all been made to favor the dominant class. However, as the real economic power of
the progressive class grows, it begins to demand a place in the ruling circles of the society. It wants laws changed to help rather than hinder its economic interests. It wants a share of the power that comes from controlling the means of production.

Now Marx was an optimist, if by that we mean that he thought the human race was heading toward better times. But he was not a fool. It was perfectly obvious to him that whenever a growing class challenges the dominance of a ruling class, there is going to be violence. There was no way that capitalists could compromise their interests with the landed aristocrats of the old order; one of them was going to have to go. According to Marx, the two centuries of civil war and social upheaval, beginning with the English Civil War, continuing on through the French and American revolutions, and ending with the American Civil War, were simply the protracted struggle between the landed aristocracy of the precapitalist order and the capitalist class that controlled the new industrial means of production.

This, in a very brief summary, is Marx’s analysis of capitalism—how it emerged from feudalism, how it works, and what makes it change. This is the case with what has come to be known as Marxism. Now we can take a look at his criticism of capitalism—what he thinks is wrong with it. As I suggested earlier, Marx’s basic complaint against capitalism is that it is irrational. Indeed, Marx claims that industrial capitalism is irrational in two different ways. First, it is instrumentally irrational. That is to say, it systematically chooses inefficient means to attain the ends it claims to set for itself. The triumphant claim of Adam Smith and the other capitalist apologists had been that a free market profit system would make maximally efficient use

Marxism  The economic, political, and philosophical doctrines first set forth by Karl Marx and then developed by his disciples and followers. Although Marx himself considered his theories scientific, his followers have often treated them as a form of secular religion. The principal doctrines are: first, that capitalism is internally unstable and prone to fall into economic crises; second, that the profits of capitalist enterprises derive from the exploitation of the workers, who receive in wages less than they produce; third, that as capitalism develops, workers will tend to become more self-aware of their situation—and hence more likely to overthrow capitalism by force; and fourth, that the society that comes into existence after capitalism is destroyed will be socialist and democratic in its economic and political organization.
of the resources and technology available to a society at any moment and that it would generate new economic production more expeditiously than any system of government management or tradition. Marx agreed that capitalism is unequaled at the task of production, but the very same capitalism is unable to solve the even more important problem of distributing what its factories have produced. In a capitalist system, production is for profit, not for use. If the capitalist cannot make a good return on his investment, he is forced to close up shop, even though there may be men and women in the society crying for the goods he produces. By the same token, as long as he is making a good profit, he goes on churning out goods, regardless of whether they are high on society’s list of genuine needs. The market is the distribution mechanism, which means that only consumers with cash in hand can buy what the capitalists have produced. But in order for the capitalist to make a high profit, he must keep his wages down, for—Marx argues—profits come out of the difference between the value of what the workers produce and the wages they are paid by their employers. So the same capitalist who cuts his workers’ wages to the bone finds no one in the market with money to buy his products.

Competition with other capitalists pushes each producer to cut prices and to increase volume in an attempt to seize a larger share of the market. The result is a cycle of overproduction, leading to layoffs, recession, depression, general misery, and then an upswing into new overproduction. Now, ever since people have been on the earth, natural disasters have afflicted them, blighting their crops, flooding their homes, striking them down with disease. But the depressions produced periodically in the nineteenth and twentieth centuries by capitalism are not natural disasters; they are man-made disasters, arising out of the inner irrationality of the capitalist system. Hunger has resulted not from crop failures but from the inability of the market system to distribute what is produced. There has been famine in the midst of plenty; in America, during the Great Depression of the 1930s, farmers were literally forced to plow piglets under with their tractors while millions hovered on the brink of malnutrition and actual starvation. These “inner contradictions” of capitalism, as Marx called them, are living evidence of the irrationality of that social system the utilitarians had proclaimed the reign of reason.

Even this terrible instrumental irrationality of capitalism, however, is merely a means, as it were, to the substantive irrationality, the debasing inhumanity of capitalism as it is actually lived by industrial workers. You have all heard the term alienation. These days it has become a catchword and is used to apply to everything from psychic disorder to mere boredom. The term was first used by the German philosopher Georg F. W. Hegel and was taken over by Marx to describe what happens to men and women who labor under capitalism. Marx held that humans are by nature productive animals who live in this world by intelligently, purposefully transforming nature, in cooperation with their fellow humans, into commodities that can satisfy their needs and desires. In the process of production, men and women “externalize” themselves—that is, they make what was first a mere idea in their minds external to themselves in the form of an object or state of affairs that they create by their labor. The most important act of such self-externalizing creation is birth itself, but the same structure of creativity can be seen in the farmer’s planning, planting, tending, and harvesting of a field of grain, in the carpenter’s conceiving, cutting, fashioning, and finishing a piece of furniture, and also in an artist’s sculpting of a statue or a poet’s forming of a sonnet.

Men and women need productive, fulfilling labor to be truly happy, Marx thought. He rejected the utilitarian notion that happiness consists simply in the satisfaction of desire. But the process of externalization, by which men and women
embody themselves in their creations, in their transformations of nature, and in their interactions with one another, can be corrupted and perverted. If the products of our labor are taken out of our control, if the very laboring process itself is turned into a kind of submission to superior force, then what we make will come to appear to us not as fulfillments of our needs but as oppressive enemies thwarting our human nature. What has been externalized will become alien. In short, healthy externalization will become destructive alienation.

Capitalism systematically frustrates our need for satisfying labor in every possible way, according to Marx. There is plenty of labor, to be sure. But it is not autonomous labor, it is not labor directed at satisfying genuine human needs, it is not healthful, fulfilling labor. It is competitive labor that sets worker against worker, worker against capitalist, and capitalist against capitalist. The very productivity of capitalism makes it a hell on earth, for at the moment in history when we first achieve the technology to raise ourselves above famine, sickness, and misery, the inner contradictions of our system of property plunge us into depths of suffering worse than anything that was known in the Middle Ages.

Here is just a short selection from Marx’s essay on alienated labor from the unpublished and unfinished papers that are known today as the Economic-Philosophic Manuscripts of 1844.

KARL MARX

Economic-Philosophic Manuscripts of 1844

What constitutes the alienation of labour? First, that the work is external to the worker, that it is not part of his nature; and that, consequently, he does not fulfill himself in his work but denies himself, has a feeling of misery rather than well-being, does not develop freely his mental and physical energies but is physically exhausted and mentally debased. The worker, therefore, feels himself at home only during his leisure time, whereas at work he feels homeless. His work is not voluntary but imposed, forced labour. It is not the satisfaction of a need, but only a means for satisfying other needs. Its alien character is clearly shown by the fact that as soon as there is no physical or other compulsion it is avoided like the plague. External labour, labour in which man alienates himself, is a labour of self-sacrifice, or mortification. Finally, the external character of work for the worker is shown by the fact that it is not his own work but work for someone else, that in work he does not belong to himself but to another person.

What can be done about the irrationality and dehumanization of capitalism? Marx’s answer, as you all know, was a revolution, a socialist revolution made by the workers against the capitalists. The revolution, Marx believed, would accomplish several things. First, it would overthrow the system of ownership of the means of production which, under capitalism, places in the hands of a few the accumulated technology, factories, raw materials, and machinery that have been produced collectively by the labor of generations of working men and women. Second, it would replace the system of production for profit in the marketplace by a system of production for the satisfaction of human needs. Men and women would collectively
determine what they need and put their talents to work to produce it. The mere accident of profitability would no longer be permitted to govern decisions about capital investment and economic growth. It might be, for example, that a large profit can be made in the United States by building luxury housing for which there was no burning need, but that little or no profit can be made from the production of well-made, gracefully designed, low-cost housing. No matter. If the low-cost housing were needed, it would get first call on the available building materials and construction workforce. Finally, the capitalist system of distribution through the market would be replaced by a rational and humane system of distribution for human need. Under capitalism, the ruling slogan might be “From each as much as you can get; to each as little as you can get away with giving.” Under socialism, however, the ruling slogan would be “From each according to his ability; to each according to his work.” When the final stage of communism is reached, Marx said, the slogan on society’s banner would be “From each according to his ability; to each according to his need.”

Collective ownership of the means of production, production for use rather than for profit, distribution for need rather than for ability to pay—with these changes, socialism would overcome the instrumental and substantive irrationality of capitalism and eliminate the alienation of human beings from their products, their labor, their own human nature, and their fellow workers.

Marx wrote in the middle of the nineteenth century, and it is now more than 140 years later. The last major depression was seventy years ago. In the major industrial nations, despite continuing inequalities of wealth, the workers enjoy a standard of living beyond Marx’s wildest dreams. Governments have stepped in with active policies of budget management and monetary control to dampen the boom-to-bust swings that Marx saw as proof of the unstable inner nature of capitalism.

Earlier in the twentieth century, it looked to many people as though the world was going in the direction Marx predicted, although many modern socialists deny that the Soviet Union and its empire were truly socialist. But the Soviet Union is no more, and the nations of Eastern Europe are competing with one another to see which one can become truly capitalist the fastest. To be sure, China, with one-fifth of the world’s population, calls itself Marxist, but even in that great country, the most rapid economic growth is taking place along the coast in cities that have been permitted by the government to follow a capitalist economic path. So it would seem that Marx’s dream of socialism is just one more outmoded fantasy, one more bit of nineteenth-century German metaphysics.

And yet, Marx’s criticism of capitalism seems still to have some truth to it. In the United States, wealthiest of all the capitalist countries, millions of homeless men and women sleep on the streets, while entire buildings stand vacant because they do not have paying tenants. The government pays farmers billions of dollars not to grow food, while children go to bed hungry. Every day we are told by newspaper reporters, politicians, and economists that the only way to get our country to grow economically is for all of us to go into the stores and buy “on credit” things we cannot pay for. Meanwhile, half of America’s black teenagers cannot find work, and this generation of young people has discovered that they will not even be able to live as well as their parents have.

The gap between rich and poor in wealthy countries like the United States is exceeded by the even bigger gap between rich and poor nations in the world as a whole. If we think of the entire planet Earth as a single society—a way of looking at things that comes naturally to those of us who have seen pictures of Earth from space—then the contrast between rich and poor, well fed and hungry, hopeful and
hopeless is as dramatic, as compelling, as overwhelming as the same contrast was for Marx in London, England, in the 1860s.

Perhaps socialism, as Marx conceived it, is not the answer, but the question he raised remains with us: how can men and women work together to create a world in which all people, not just the favored few, can live decent, meaningful lives? Even though the Cold War is over, it remains to be seen whether capitalism can provide a satisfactory answer to that question.

ROUSSEAU AND THE THEORY OF THE SOCIAL CONTRACT

Thus far, we have been looking at some of the ways in which philosophers have answered the general question, “What is the good society?” We saw that moral problems of the just distribution of wealth are central to this subject. In a way, social philosophy, as Plato suggested long ago, is ethics writ large—it is ethics in a social, rather than an individual, setting. But there is a very special set of questions associated with the study of the state, and it is to these questions that we now turn. Before we go any farther, we had best determine what we mean by a state and what philosophical problems are raised by states. Everywhere we look, across historical time and around the globe, men and women are organized into social groupings within defined territorial limits or borders. Within each one of these geographical units, there is some smaller group of people who rule, give orders, run things, and use force to get others to obey—some group who makes and enforces laws. This smaller group is what we call the state. Sometimes the group that rules consists of a single person and his or her personal followers: a king or queen, a general or dictator, a priest or pope, plus a group of loyal underlings. Sometimes the group consists of a hereditary class, such as a military aristocracy. The group may be a political clique or party that has led a successful revolution against the previous rulers. It may even, as in our own country, be a large group of men and women who have been chosen in an election by a much larger group of citizens. But whoever makes the laws, gives the commands, and enforces them on everyone living within that territory is the state.

States may exist for any number of purposes: to carry out the tenets of a religious faith, to maintain general peace and security, to see to the well-being of some or all of the people within the territory, or to ensure justice and tranquility. The state may even exist merely for the purpose of lining the pockets and satisfying the desires of itself, regardless of what the rest of the population wants or needs. There are so many different purposes for which states have existed that it is not much use to look for some basic or underlying function that all states perform insofar as they are states. Philosophers express this fact by saying that the state cannot be defined teleologically. That simply means that we cannot explain what a
state is in terms of the goals (telos is Greek, meaning “end” or “goal”) at which it aims. But all states, regardless of who comprises them and no matter what purposes they pursue, have two characteristics in common. Once you understand these two characteristics, you will know what a state is and also what the fundamental problem of political philosophy is.

First, states everywhere always use force to obtain obedience to their commands. Sometimes force takes the form of armed troops, police, jails, and death rows. And sometimes merely the threat of force is enough to bring recalcitrant citizens into line. Economic threats can be used as effectively as the whip or the club, but behind the judge there always stand the police, and they are not there for ceremony only.

Force alone does not make a group of people into a state, however; for a band of robbers, an invading army, even a lone gunman holding you up on a dark street all use force to make you obey, and no one would call robbers, an army, or a mugger “the state.” The second, more important, mark of the state is that as it issues its commands and shows its sword, it also claims to have the right to command and the right to be obeyed. Now a mugger does not claim the right to rob you. He says, “Your money or your life!”; he does not say, “Your money, for I have a right to it.” But when the state sends you a bill for taxes, or commands you to report for induction into the armed forces, or orders you to stop at red lights and drive only with a valid license, it claims to have a right to your obedience. In the language of political philosophy, the state claims to be legitimate.

There is a wonderful scene in one of Shakespeare’s plays (Henry IV, Part 1) in which a group of conspirators is planning its attack on the forces of the king. One of the group is a flamboyant Welsh chieftain named Glendower, who claims to have some magical powers in addition to some usable troops. At one point, in an effort to impress his fellow conspirators with the wonderfulness of his powers, he brags, “I can call spirits from the vasty deep.” The leader of the conspiracy, Hotspur, is not very impressed, and he answers, “Why so can I, and so can any man / but will they come when you do call them?” The point, of course, is that it is one thing to make a claim and quite another to get anybody to believe it.

The really remarkable thing about human beings is that they are so prone to accept the claims of legitimacy made by states that rule the territories in which they live. From time to time, people rebel against the state, and a few philosophers, called anarchists, have denied the state’s claim to have a right to rule. But by and large, when states make laws and claim the right to enforce them, people believe their claim and obey even when they are not actually being forced to do so. Those last few words are crucial, of course, for most of us “obey” a gunman who holds us up or an army that invades our city and points its guns at us. We obey because we do not want to get shot. Cynics might say that that is really the only reason anyone ever obeys the law, but all the historical and sociological evidence points in the opposite direction. Save in the most unusual circumstances, men and women obey the law more faithfully than the threat of punishment requires. They obey from habit, to be sure, but they also obey because they genuinely believe that the state has the right to command them. After all, they think, it is the law. How often has each of us done something or refrained from doing something merely because the law says that we must or must not? How, save by playing on this belief in the legitimacy of the law, could a single official or police officer control the behavior of a large crowd? How could several thousand overworked employees of the Internal Revenue Service collect taxes from 200 million Americans? How could a lieutenant lead a platoon of frightened soldiers into withering enemy fire? How, indeed, could an old, feeble king bend young, vigorous, ambitious dukes, princes, and generals to his will?
The belief in the **legitimate authority** of the state is the glue that holds a political society together. It is, even more than armies or police or jails, the means by which the state gets its laws obeyed. So we may sum up the universal characteristics of states by saying that the state is a *group of people who claim the right to enforce obedience to their commands within a territory and succeed in getting most of the people in the territory to accept that claim*. A group of people who make a claim of this sort are said to be claiming *political authority*. So a state is a group of people who claim political authority and have their claim accepted by most of those against whom the claim is made.

Well, states claim political authority, and they get their claims accepted. But it is one thing to get other people to accept something you say; it is quite another to be right. I may claim to be a doctor, and if enough people believe me, I can open an office and start prescribing medicine. But that does not make me a doctor. My “patients” may fail to notice that I am not curing them, but even that does not make me a doctor. So, too, a group may claim the right to rule, and the people may accept their claim, but that does not make their claim *true*.

The fundamental question of all political philosophy is obviously this: when does a group calling itself the state really have a *right* to command? Or, since that way of putting the question seems to assume that states sometimes have such a right, we can ask: does any group of persons ever have the right to command?

The same question can be turned around to focus our attention on the person doing the obeying rather than the people doing the commanding. From my point of view as a citizen, a state is a group of people who command me. If I believe that I have an obligation to obey their commands, then I consider them as constituting a legitimate state.
Otherwise, I consider them tyrants. To the citizen, the fundamental question of political philosophy is: do I ever have an obligation to obey the commands issued by some group calling itself the state?

In ancient and medieval times, the citizen’s obligation to the ruler was considered to be limited and conditioned upon the ruler’s just performance of his or her sovereign duties. But in the sixteenth and seventeenth centuries, in response to fundamental shifts in the relative power of the aristocracy, the monarchy, and the new middle class, the theory began to be put forward that the authority of the ruler is absolute. The king, it was said, is the sole possessor of the ultimate political authority—sovereignty, as it was called. All others in the society are unconditionally obligated to obey his commands. Usually a religious justification was advanced for this claim—the king was considered God’s representative on earth—but sometimes the theory of an original agreement or contract was also appealed to.

The unqualified claim of absolute kingly authority was unacceptable to the philosophers of the Enlightenment. A person who bows his head to God or his knee to the king merely makes himself the slave of another. In the words of Immanuel Kant, submission to the commands of another means a loss of autonomy, a denial of one’s own reason.

So for the political philosophers of the seventeenth and eighteenth centuries, the question of obligation to the state became a new and more complicated question: is there any way in which I can submit to the commands of a legitimate state without giving up my freedom and autonomy?

The man who asked this question more clearly and forcefully than anyone in the history of Western philosophy was the eighteenth-century Swiss thinker Jean-Jacques Rousseau. Judgments differ among philosophers as much as they do among the compilers of all-time baseball or football teams, but in my personal judgment, Jean-Jacques Rousseau is the greatest political philosopher who has ever lived. His claim to immortality rests upon one short book, *Of the Social Contract*, an essay scarcely more than 100 pages long. In that brief, brilliant work, Rousseau formulates the fundamental question of the philosophy of the state and makes a valiant, although ultimately unsuccessful, effort to solve it. Why such fame, you might ask, if he failed to solve the problem? In philosophy, as in the sciences, the most important step frequently is to ask the right question, and although philosophers had been analyzing the nature of the state for more than 2,000 years before Rousseau, he was the first to see exactly what the problem was and to recognize how difficult it would be to solve.

For the philosophers of the state who struggled with the question of legitimate authority in the seventeenth and eighteenth centuries, the standard solution to the problem was the device that they call the social contract. The authority of the state, it was argued, can only be founded upon an agreement among all of the persons who are to be ruled by the state. The idea of a contract, of course, was taken from the law,
Jean-Jacques Rousseau (1712–1778) is one of the most paradoxical figures in modern European letters. Born in Geneva, Switzerland, he spent his early years in a succession of homes (his mother having died only a few days after his birth). At age sixteen, he converted to Catholicism, though he seems not to have been devout in any orthodox manner. After trying his hand at such tasks as music teacher and tutor, Rousseau finally found his true calling, which was to be a writer, a man of letters.

Rousseau’s writings fall into two groups, which seem entirely to contradict each other in their teachings. His autobiographical Confessions, his novels Émile and La Nouvelle Héloïse, and his Discourse on the Sciences and the Arts all set forth in the most moving and powerful way the sentimental doctrine that our nature is inherently good, that civilization is the great corrupter, that feeling rather than reason is the proper guide to life, and that men and women will be naturally moral if only the impediments of cultivated life can be cleared away. But in his greatest work, Of the Social Contract, Rousseau argues in a spare and rigorously logical way for the proposition that the just state and morality itself arise from the exercise of our rational powers. Rousseau is thus an apostle both of sentiment—of feeling, of tears and sympathy—and also of reason.

It was the special genius of Rousseau that he saw the central question of political philosophy more clearly than anyone before him, and he expressed it with greater precision and force. Here are the words in which he framed the problem, taken from the sixth chapter of Of the Social Contract:

Where shall we find a form of association which will defend and protect with the whole common force the person and the property of each associate, and by which every person, while uniting himself with all, shall obey only himself and remain as free as before?
by a state that he or she had freely contracted or agreed to bring into existence. If a person says to the judge, “Who are you to command me? Who are you to threaten me with punishment if I fail to obey?” the judge will answer, “I am a representative of that state which you yourself promised to obey when you signed the social contract.” And if the citizen, still resistant, goes on to ask, “What have I received from my fellow citizens that I should keep the agreement I made with them?” the judge can answer, “You have received peace, social order, even-handed justice, and the benefits of a civilized society.”

But even more important, if the citizen asks, “How can I obey this state I have brought into existence without forfeiting any autonomy and giving up my freedom?” the judge can answer, “In this state, and only in this state, those who obey remain free. For the state that makes the laws consists not of some of the people who live in this nation but of all the people. The commands you obey are the very commands that you, as a citizen, have issued in your role as a lawmaker. In this state, the law obeyers and the lawmakers are one. Through the device of a social contract, the people become the rulers.” Indeed, since the traditional word for ruler is “sovereign,” the social contract theory is a doctrine of people’s sovereignty, or, as it is usually known, popular sovereignty. (That does not mean that people like it; it means that the people are sovereign. This is what Abraham Lincoln meant when he said that we live under a government that is by the people, as well as of and for the people.)

Here is how Rousseau describes the social contract.

JEAN-JACQUES ROUSSEAU

Of the Social Contract

The articles of this contract are so unalterably fixed by the nature of the act that the least modification renders them vain and of no effect; so that they are the same everywhere, and are everywhere tacitly understood and admitted, even though they may never have been formally announced; until, the social compact being violated, each individual is restored to his original rights, and resumes his native liberty, while losing the conventional liberty for which he renounced it.

The articles of the social contract will, when clearly understood, be found reducible to this single point: the total alienation of each associate, and all his rights, to the whole community; for, in the first place, as every individual gives himself up entirely, the condition of every person is alike; and being so, it would not be to the interest of any one to render that condition offensive to others.

Nay, more than this, the alienation being made without any reserve, the union is as complete as it can be, and no associate has any further claim to anything: for if any individual retained rights not enjoyed in general by all, as there would be no common superior to decide between him and the public, each person being in some points his own judge, would soon pretend to be so in everything; and thus would the state of nature be continued and the association necessarily become tyrannical or be annihilated.

Finally, each person gives himself to all, and so not to any one individual; and as there is no one associate over whom the same right is not acquired which is ceded to him by others, each gains an equivalent for what he loses, and finds his force increased for preserving that which he possesses.
Two problems arise immediately. First, it is going to be difficult to get everyone together when laws need to be made. How can the people obey only themselves if they do not personally make the laws? The usual solution both in political theory and in political practice is to institute a system of elected representatives. But Rousseau will have none of that. If the state is not kept small enough for everyone to participate in lawmaking, then so far as he is concerned, tyranny replaces liberty. Of course, that means that all citizens, and not just a few professionals, are going to have to pay attention to public affairs. But that is the price of freedom, Rousseau insists. As he says later on in *Of the Social Contract*:

If, therefore, we exclude from the social contract all that is not essential, we shall find it reduced to the following terms:

Each of us places in common his person and all his power under the supreme direction of the general will; and as one body we all receive each member as an indivisible part of the whole.

From that moment, instead of as many separate persons as there are contracting parties, this act of association produces a moral and collective body, composed of as many members as there are votes in the assembly, which from this act receives its unity, its common self, its life, and its will. This public person, which is thus formed by the union of all other persons, took formerly the name of “city,” and now takes that of “republic” or “body politic.” It is called by its members “State” when it is passive, “Sovereign” when in activity, and whenever it is compared with other bodies of a similar kind, it is denominated “power.” The associates take collectively the name of “people”; and separately, that of “citizens,” as participating in the sovereign authority, and of “subjects,” because they are subjected to the laws of the State. But these terms are frequently confounded and used one for the other, and it is enough that a man understands how to distinguish them when they are employed in all their precision.

As soon as men cease to consider public service as the principal duty of citizens, and rather choose to serve with their purse than with their persons, we may pronounce the State to be on the very verge of ruin. Are the citizens called upon to march out to war? They pay soldiers for the purpose, and remain at home. Are they summoned to council? They nominate deputies, and stay at home. And thus, in consequence of idleness and money, they have soldiers to enslave their country, and representatives to sell it. It is the hurry of commerce and of the arts, it is the greedy thirst of gain, and the effeminate softness and love of comfort that occasion this commutation of money for personal service. Men give up a part of the profits they acquire in order to purchase leisure to augment them. Give money, and you will soon have chains. The word “finance” is a term of slavery; it is unknown in the true city. In a State truly free, the citizens do all with their own arms and nothing with their money; and, instead of purchasing exemption from their duty, they would even pay for fulfilling it themselves. My ideas on this subject are indeed very different from those commonly received; I even think the corvées [unpaid labor on roads and highways, required of French peasants before the revolution] are less an infringement upon liberty than taxes.

The better a State is constituted, the more do public affairs intrude upon private affairs in the minds of the citizens. Private concerns even become considerably fewer, because each individual shares so largely in the common happiness that he has not so much occasion to seek for it in private resources. In a well-conducted city, each member flies with joy to the assemblies; under a bad government, no one is disposed to bend his way thither, because no one is interested in proceedings where he foresees that the
The second problem is how to make decisions when there is disagreement. The natural solution that springs to our minds is to take a vote and let the majority rule. We have become so accustomed to deciding questions by majority vote that it sometimes seems as though little children learn to vote in school before they learn how to count the votes. But Rousseau had the clarity of mind to see that majority rule presents a very serious obstacle to freedom. I may promise, in the original unanimous contract, to abide by the vote of the majority. However, in so doing, I seem simply to be agreeing to a sort of voluntary slavery. If I vote against a proposed law, believing that it is a bad law, contrary to the national interest, then how can I be said to "obey only myself and remain as free as before" when I am forced to submit to it? Rousseau has an extremely subtle answer to this question. First read what he has to say, and then we can talk about it a bit.

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There is one law only which, by its nature, requires unanimous consent; I mean the social compact: for civil association is the most voluntary of all acts; every man being born free and master of himself, no person can under any pretense whatever subject him without his consent. To affirm that the son of a slave is born a slave is to pronounce that he is not born a man.

Should there be any men who oppose the social compact, their opposition will not invalidate it, but only hinder their being included: they are foreigners among citizens. When the State is instituted, residence constitutes consent; to inhabit a territory is to submit to the sovereignty.

Except in this original contract, a majority of votes is sufficient to bind all the others. This is a consequence of the contract itself. But it may be asked how a man can be free and yet forced to conform to the will of others. How are the opposers free when they are in submission to laws to which they have never consented?

I answer that the question is not fairly stated. The citizen consents to all the laws, to those which are passed in spite of his opposition, and even to those which sentence him to punishment if he violates any one of them. The constant will of all the members of the State is the general will; it is by that they are citizens and free. When any law is proposed
Something very tricky is going on in this passage. How can I be free when I do not get what I voted for? Earlier, in *Of the Social Contract*, Rousseau put his point even more dramatically. A citizen who refuses to obey the **general will**, he said, must be compelled to do so. “This in fact only forces him to be free.” What on earth can Rousseau have meant?

*Revolutionary Tribunal in the Abbaye.*

A meeting of the Jacobin club, a radical group that ruled France for a time during the Revolution. Maximilien Robespierre, the most famous revolutionary, was a leader of the Jacobin club from 1791 to 1792. Source: North Wind Picture Archives.

**General Will** A term invented by Jean-Jacques Rousseau to describe the decision by the citizens of a republic to set aside their private and partisan concerns and instead collectively aim at the general good. According to Rousseau, to say that a society “has a general will” is to say that all of the members of the society are public-spiritedly aiming at the general good in their political actions and deliberations. Rousseau was very pessimistic about the possibility of ever achieving a general will.
The full answer would take a book by itself, but we can say a few things to clear away some of the mystery. Rousseau believed that the people have a right to make laws only as long as they are genuinely attempting to legislate in the public interest rather than in their own individual and private interests. Now if the majority could be counted on always to be right about the general good, then no one in the minority would want his or her view to become law. For if I want what is for the general good, and if the majority is always right about the general good, and if I am in the minority, then what I mistakenly wanted is \textit{not} for the general good, and hence not what I really want. And if freedom is getting what you really want, then only by being forced to abide by the majority can I really be free!

There is a flaw in the argument, of course. The majority may always aim at the general good, but it does not always aim accurately. More often than not, even when every citizen is seeking what is best for all, the truth will be seen only by one citizen or a few. Rousseau confused aiming at and hitting the target.

Americans have a vested interest in the theory of the social contract, with all its flaws, because we are the first nation ever actually to bring itself into existence as a state by means of a real, historical, explicit contract. We call it our Constitution, but what the Founding Fathers actually wrote was the first operative social contract. When it was ratified in 1788, there came into being, for the first time in Western history, a state truly founded upon a contract.

Although the theory of the social contract has dominated liberal political theory since the seventeenth century, it has been subjected to a number of powerful criticisms. The most obvious objection is that, save for the special case of the United States, no actual state has ever been brought into existence by such an explicit contractual agreement among the citizens to be. Hence the theory does not provide any justification at all for the claims of even the most “democratic” governments.

But the mere historical absence of a contract is not the worst of the problems confronting social contract theories. Even if a group of men and women have indeed contracted together, some time in the dim past, to submit themselves to the collective will of all, that still leaves those of us in the present generation without any reason for obeying the commands of the state. After all, I am not bound by the marriage contracts or the business contracts made by my ancient ancestors; why should I be bound by whatever political contracts they may have made?

To this, the social contract theorists answer that each of us, upon reaching the legal age of adulthood, implicitly signs his or her own name to that original contract by remaining in the country, living under its laws, and entering actively into its legal arrangements. John Locke, the spiritual father of our Constitution, especially emphasizes the owning of property in this selection from his most famous political work, the \textit{Second Treatise of Government}.
subject to the laws of any government. There is a common distinction of an express and a tacit consent, which will concern our present case. Nobody doubts but an express consent of any man entering into a society makes him a perfect member of that society, a subject of that government. The difficulty is, what ought to be looked upon as a tacit consent, and how far it binds, i.e., how far any one shall be looked on to have consented, and thereby submitted to any government, where he has made no expressions of it at all. And to this I say that every man that hath any possession or enjoyment of any part of the dominions of any government doth thereby give his tacit consent, and is as far forth obliged to obedience to the laws of that government during such enjoyment as any one under it; whether this his possession be of land to him and his heirs for ever, or a lodging only for a week; or whether it be barely traveling freely on the highway; and in effect it reaches as far as the very being of any one within the territories of that government.

To understand this the better, it is fit to consider that every man when he at first incorporates himself into any commonwealth, he, by his uniting himself thereunto, annexes also, and submits to the community those possessions which he has or shall acquire that do not already belong to any other government; for it would be a direct contradiction for any one to enter into society with others for the securing and regulating of property, and yet to suppose his land, whose property is to be regulated by the laws of the society, should be exempt from the jurisdiction of that government to which he himself, and the property of the land, is a subject. By the same act, therefore, whereby any one unites his person, which was before free, to any commonwealth, by the same he unites his possession, which was before free, to it also; and they become, both of them, person and possession, subject to the government and dominion of that commonwealth as long as it hath a being. Whoever therefore from thenceforth by inheritance, purchases, permission, or otherwise, enjoys any part of the land so annexed to, and under the government of that commonwealth, must take it with the condition it is under, that is, of submitting to the government of the commonwealth under whose jurisdiction it is as far forth as any subject of it.

But since the government has a direct jurisdiction only over the land, and reaches the possessor of it (before he has actually incorporated himself in the society), only as he dwells upon, and enjoys that: the obligation any one is under, by virtue of such enjoyment, to submit to the government, begins and ends with the enjoyment; so that whenever the owner, who has given nothing but such a tacit consent to the government, will by donation, sale, or otherwise, quit the said possession, he is at liberty to go and incorporate himself into any other commonwealth, or to agree with others to begin a new one (in vacuis locis) in any part of the world they can find free and unpossessed. Whereas he that has once by actual agreement and any express declaration given his consent to be of any commonwealth is perpetually and indispensably obliged to be and remain unalterably a subject to it, and can never be again in the liberty of the state of nature; unless, by any calamity, the government he was under comes to be dissolved, or else by some public acts cuts him off from being any longer a member of it.

You may wonder how a person can enter into a contract by “tacit consent.” Don’t I have to actually say that I am making a contract in order to do so? Locke here is relying on the ancient legal principle that when a person, over a period of time, acts in such a way as to give other persons a reasonable expectation that she will continue so to act, and if she benefits from that unspoken understanding, then she has made a “quasi-contract,” which the law will enforce just as it will an explicit, spoken contract.
But Locke’s argument depends on the assumption that a citizen can pick up and
leave if he or she is dissatisfied with the laws of the state under which he or she lives.
In Locke’s day (the late 1600s) that was still thought to be possible. The Pilgrims
who came to America, and many millions who followed them, thought they were
exercising precisely that option. Today, emigration requires visas and passports, no
matter where you want to go. Every square foot of inhabitable earth is claimed by
some state or other, so that the most anyone can do is to go from the rule of one
state to the rule of another. Under this condition, it is harder and harder to see what
truth there is in the theory of the implicit, or tacit, contract.

THE PLURALIST THEORY OF THE STATE

The theory of the social contract takes for granted that the political world is made
up of individuals and of the state—nothing more. Rousseau and the classical liberal
social contract theorists think that the individual comes first, and that it is many
individuals, acting together, who create the state by their social contract. They see
a direct relationship between the individual and the state—a relationship of the
sort philosophers call “immediate” or sometimes “unmediated.” Both words—
immediate” and “unmediated”—convey the same idea, which is that there is noth-
ing in between “mediating” the individual and the state.
In the late nineteenth and twentieth centuries, however, a new view was put forward of the relationship between the individual and the state. According to this view, all of us, children and grown-ups, men and women, old and young, belong to many different groups, such as neighborhoods, churches, labor unions, fraternities, women’s groups, gun enthusiasts’ groups, farmers’ groups, chambers of commerce, ethnic groups, hobbyists’ groups, and so on. No one ever actually confronts the state as an individual, except perhaps when he or she is on trial in a court of law. It is always groups of people who work, as groups, to influence legislation, persuade judges, sway presidents, and in general to get the state to favor their needs, interests, or desires.

So society is really made up of groups, in this view, not individuals. Even the state is a group like any other. Indeed, the state is actually many groups, not just one. It is the career civil servants in the state capital or Washington; it is the members of Congress; it is the men and women who serve as judges in the federal, state, or municipal courts; it is the leaders and workers of the political parties; it is the staffers who work for members of Congress and who keep their jobs only so long as their bosses get reelected.

To understand politics, this pluralist or group theory of the state says that you must study the way in which groups are formed and the way they interact. Just reading social contract theorists or the Constitution will not help you to understand what really goes on—how decisions are made, how power is wielded, and who really governs.

One of the clearest statements of the pluralist theory was set forth in *The Group Basis of Politics* by a professor of government, Earl Latham. Here is how he summarizes this theory in the first chapter of his book:

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**EARL LATHAM**  
*The Group Basis of Politics*

The chief social values cherished by individuals in modern society are realized through groups. The number is countless, and the variety of these social groupings is abundant and complex. No aspect of the life of the individual is untouched by them. Modern man is literally conducted from the cradle to the grave by groups, for he is born in a family, goes to school in organized classes, goes to church, perhaps, plays with boyhood gangs, joins fraternities, works for a corporation, belongs to various associations, cultural, civic, professional and social, and is carried off to his immortal reward by a business enterprise with the solemnity appropriate to such ceremonies.

The utilitarians made the same assumptions about the nature of the political community that they made about the nature of the economic community. The liberal philosophy of a John Stuart Mill rejected the doctrines of natural law and right that were so familiar to the eighteenth century but retained the feeling that the chief political problems were those that involved the singular individual on the one hand and the “state” on the other. All other and intermediate associations and groupings were dissolved, blanked, and obscured—a kind of sunken hinterland between two dominating mountainous battlements. This exaggerated individualism not only abstracted man from
Latham’s description of politics certainly sounds a good deal more like what goes on in the United States than what Rousseau and Locke have to say. But there remains a very important question to which he provides no answer: This may be the way things do work in this country, but is it the way they should work? Is a pluralist political system a good thing?

The Founding Fathers—the men who wrote our Constitution—did not think so. In fact, in a famous essay published during the debates over the ratification of the Constitution, James Madison, later our fourth president, condemned as factions what Latham calls “interest groups.” Madison actually thought that one of the greatest advantages of the new Constitution was precisely that it would undermine the effects of factions. “Among the numerous advantages promised by a
well-constructed Union,” Madison wrote in the tenth Federalist Paper, “none deserves to be more accurately developed than its tendency to break and control the violence of factions.” By a faction, he went on, “I understand a number of citizens, whether amounting to a majority or minority of the whole, who are united or actuated by some common impulse or passion, or of interest, adverse to the rights of other citizens, or to the permanent and aggregate interests of the community.” This is exactly what Latham means by an interest group.

What did Madison have against factions? Very simply, they are out for their own particular interest rather than for the larger interest of the community as a whole. Farmers want laws that help farmers, regardless of who else must pay. The same can be said for entrepreneurs, workers, gun owners, importers, exporters, southerners, northerners, easterners, and westerners. So long as citizens think, act, and vote as members of interest groups rather than as members of the whole community, the true interests of the society will be ignored in the struggle for partisan advantage.

Now Latham was perfectly well aware of Madison’s objections to factions. The tenth Federalist Paper is one of the most widely read texts of American political theory. So, was he simply describing the way government now works? Or is there an argument in favor of interest group politics that can respond to Madison’s fears?

Let me suggest just such an argument, based on a combination of the traditional contract belief in the sovereignty of the people and the modern story about the role of interest groups in American politics.

According to the social contract theorists, the people speak every two or four years at election time. But the business of governing goes on daily, week in and week out, year after year. Thousands of important decisions are made, many of them about issues that never even arise during the election campaign. If voters only get to express their will on election day, how can their representatives know, between elections, what their will is? And if the elected representatives do not know the will of their constituents, how can they truly be representatives?

The interest group theory steps in at this point to fill the gap between elections. In a democracy like ours, citizens are politically active every day, not just on election day. Through their letter writing, lobbying, political fund-raising, and other activities, groups of citizens communicate their desires to their representatives, who are then able truly to represent their constituents.

Television pundits may look down their noses at lobbying and letter-writing campaigns, but these are, according to the pluralist theory of democracy, the legitimate and essential means by which the will of the people is translated into the law of the land. Wipe out “factions”—put a stop to interest group politics—and true democracy dies. All that remains is a token, meaningless, once-every-four-years vote.

The argument in favor of the interest group theory is even stronger. When I vote in an election, all I can do is vote “yes” or “no.” Now there are some proposals I do not care very much about, even though on balance I may be in favor. Others matter deeply to me, so much so that I might consider them life-or-death issues. I cannot express the intensity of my preference through a vote, because my “yes” counts no more and no less than your “no,” even if for you it is life or death and for me it is no big deal.

But there is a way I can express the intensity of my feeling about an issue, and that is by the amount of money I am willing to give or the amount of time I am willing to spend on that issue. If gun control is the heart and soul of my political life, I can spend all my spare time working for a gun control law (or against it, as the case may be). At the same time, if I care only a little bit about the environment, I can pay my annual twenty-five-dollar dues to the local environmentalist club and forget about it until next year.
Thus interest group politics permits me to give effective expression to the complexity, specificity, and intensity of my interests, something mere electoral politics can never do.

If interest group politics has this much going for it, what can be said against it? At least one thing, quite important. In order to express the intensity of your interest through political action, you must have resources to make that intensity known to your representatives. You must have the money, the time, and the skill to bring pressure to bear on a senator or representative, a mayor, or a governor. But as we all know, the resources in our society are very unevenly distributed. If you own a newspaper, or have a job that permits you to take time off for lobbying; if you have enough money to make a big donation to a political campaign; in short, if you are one of the affluent members of society, then your interests are going to get a much more attentive hearing from the elected representatives. And this will distort the process of interest expression, giving some people an advantage that outweighs the greater intensity of interest of the poorer people opposed to you.

So the pluralist theory of democracy does not make place for a fair expression of the interests of all. And that, you will recall, was precisely what the utilitarians claimed democracy would accomplish.

Nevertheless, the pluralist theory clearly takes into account the way American democracy actually works in the modern world, and it answers at least some, but certainly not all, of James Madison’s objections to factions.

THE RACIAL CRITIQUE OF THE SOCIAL CONTRACT THEORY OF THE STATE

Since the eighteenth century, the theory of the social contract has been the leading philosophical story in Western thought about the nature, origin, and justification of the state. Our own nation was organized by the Founding Fathers on the principle of Consent of the Governed—which means that those who seek to rule must have the consent of those whom they claim to rule. The social contract is supposed to embody that consent.

In the early days of the social contract theory, some philosophers actually talked as though they thought people had gathered together and made a formal agreement with one another—in a clearing in the woods maybe. But for the most part, the social contract was conceived of either as an ideal—what would be the case if everything was exactly as it should be—or merely as a way of expressing the central principle that the rulers must have the consent of the governed if their rule is to be legitimate. It is this belief that lies behind the modern emphasis on democracy and free elections. There seems to be very broad agreement throughout the world that states must go to the people for approval and endorsement if they are to be legitimate.

Social contract theory is really very simple and straightforward, or so it seems. A group of people living together in some part of the world decides that it would be mutually beneficial for them to get together and set up a government—perhaps to protect the whole community against outside attack, perhaps to provide common social services, such as fire and police protection, perhaps to launch some collective projects too big for any private individuals to undertake, like the building of a national highway network or the exploration of space. They agree to unite their forces and submit themselves to a common government. If they need laws, they, or their representatives, enact them. Periodically, the people review the performance of their representatives and tell them, in elections, whether they can continue serving the
public. If a majority of the people believes that their representatives have been doing a good job, they give them another turn. If they are dissatisfied, they turn them out and replace them with a new set of representatives.

From time to time, people from other parts of the world may ask permission to live in the community. If they want to settle permanently, then they can become citizens, which means joining themselves to the contract along with those already included. If they are just visiting, then they must agree to abide by the laws the community has established for as long as they stay.

All this sounds lovely—clear, simple, persuasive. But a growing number of critics have started to point out that this lovely picture does not actually correspond at all to what goes on in the real world. The most powerful critique I know is the one advanced by a West Indian philosopher, Charles Mills, who is currently John Evans Professor of Moral and Intellectual Philosophy at Northwestern University. Mills’ criticism of social contract theory takes the form of a competing story, which he calls the racial contract. This racial contract, he says, comes a great deal closer to describing the way the world really works. According to Mills, the theory of the social contract is actually a bit of camouflage designed to conceal from view what has been going on in the world since the seventeenth century.

To put Mills’ story in a nutshell, the theory of the social contract conveniently forgets to mention the people of color—slaves, colonials, original inhabitants—over whom the participants in the social contract exercise forcible control. The Founding Fathers made a contract with one another, but it was not merely a contract about how they would behave toward one another. It also was an agreement that they would own slaves who were not permitted to participate in this “contract” at all. In addition, it was an agreement that they would together drive the Native Americans out of the land where they had been living, land that the Founding Fathers had decided would be theirs. Mills writes: “The racial contract is obviously not a contract to which the nonwhite subset of humans can be a genuinely consenting party (though, depending on the circumstances, it may sometimes be politic to pretend that this is the case). Rather, it is a contract between those categorized as white over the nonwhites, who are thus the objects rather than the subjects of the agreement.”

Sometimes this racial contract is open, aboveboard, and completely explicit. The Constitution of the United States, for example, states for all to see that a slave does not count for as much as a free man, but instead counts for three-fifths of a free man or woman. In South Africa, under the apartheid regime that has finally been overthrown, nonwhites were officially denied the vote, citizenship, the right to own property, and even the right to remain within the limits of the white cities after sundown. For a long time, throughout the world, one could see signs posted that read “No natives or dogs allowed.”

At other times, the racial contract has been invisible to the white majority (although never to people of color, who knew quite well what was going on in the world). Right now, our own Supreme Court hands down decisions outlawing affirmative action on the grounds that differentiations according to race or color have no place in American society, as though it was not obvious to anyone with eyes to see that America is elaborately segregated and sorted by skin color. Mills insists that it “would be a fundamental error to see racism as anomalous, a mysterious deviation from Enlightenment European humanism. Rather, he says, “it needs to be realized that European [and American—RPW] humanism usually meant that only Europeans were human.”

Those of us who are white find it hard to imagine how the world looks to someone who is black, brown, red, or yellow. (I use these terms as a shorthand for
referring to the various categories into which people are currently classified, but of course there is something a little bit weird about describing people as black, brown, white, red, or yellow. Only the stick figures in children’s crayon drawings are really those colors. But that is one more example of what Mills is talking about.) It is hard for all of us to become self-aware of the ways in which the racial definition of the world by European and American whites has shaped our thinking. Perhaps I can begin to help you to see it by talking about something we all share—movies.

How many of you have seen one of those marvelous old voyage-to-darkest-Africa movies, complete with wild animals, impenetrable jungles, and stiff-upper-lip British types maintaining their upper-class calm in the midst of savage darkness? My all-time favorite is King Solomon’s Mines with Stewart Granger and Deborah Kerr. (I actually saw the movie when it first came out, but I am hoping some of you have seen it on late-night cable somewhere. A much more sophisticated, upscale version, released in 1984, is the modern remake of the old Tarzan movies, called Greystoke.)

All those movies have the same plot basically. A safe, secure, middle-class man or woman starts out in safe, secure, thoroughly manageable England (for some reason it is always England) and launches on a long, difficult, dangerous trip to the heart of darkest Africa. The first part of the trip, by boat or plane, is easy, getting as far as a city on the east coast of Africa. Then the adventurer hooks up with a white big game hunter or guide who is an old Africa hand and speaks some Swahili. He rounds up some bearers, who then set off, singing their native songs, carrying all manner of junk into the bush. The adventurer, despite looking very healthy, carries nothing, except maybe a rifle. The farther the jungle they go, the harder the going gets, with bearers deserting for unnamed superstitious reasons, wild animals turning up to threaten the party, and menacing natives surfacing in fearsome head-dresses and war paint. Eventually, after many trials and tribulations, during which they become thoroughly exhausted and almost die, they reach their destination, which is either a fabulous treasure or else the remains of the adventurer’s husband or brother. Then the whole party turns around and makes its way back to civilization. The closer they get to the coastal city from which they began, the easier the going gets, until finally, everyone is back in England, safe and secure, and then the movie ends.

Now when you stop and think about it, there is something very odd about this scenario. East Africa is no more or less hospitable to the people who live there than London is to the people who live there. To be sure, if you grew up in East Africa, you would find London traffic hard to get used to and London streets utterly confusing. But East Africa would not be confusing, dark, ominous, or impenetrable to you. It would be your home. You would be able to move about in it with the same ease with which a native Londoner makes her way through the streets of London. Everyone in the world is born and brought up somewhere, and to each of us, that place is home—familiar, manageable, and unmysterious. The movie, by presenting London as safe and secure and East Africa as mysterious, reinforces the assumptions on which the racial contract is founded. The movie is telling you that Londoners are civilized, while the Masai are savages. It is telling you that the very physical space of London is safe, familiar, and within the social contract, while the physical space of East Africa is wild, savage, and outside the contract.

If you are white, all of this may come as a total shock. Indeed, you may think it must be an exaggeration, an emphasizing of something that was important 100 years ago, but surely does not make that much difference anymore. If you are black or brown or yellow or red, none of this will come as any surprise at all. The only surprise may be that someone bothers to put it in a college textbook, as though
it was news. That divide, separating those of us who are white from everyone else in
the world, is part of what Charles Mills (who is black) is talking about.

The following excerpts come from Mills’ book *The Racial Contract*. Perhaps it
will get a good argument going in your class.

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**CHARLES MILLS**

*The Racial Contract*

The Racial Contract manifests itself in white resistance to anything more than the *formal*
extension of the terms of the abstract social contract (and often to that also.) Whereas be-
fore it was denied that nonwhites were equal persons, it is now pretended that nonwhites
are equal abstract persons who can be fully included in the polity merely by extending
the scope of the moral operator, without any fundamental change in the arrangements
that have resulted from the previous system of explicit de jure racial privilege. Sometimes
the new forms taken by the Racial Contract are transparently exploitative, for example, the
“Jim Crow” contract, whose claim of “separate but equal” was patently ludicrous. But
others—the job discrimination contract, the restrictive covenant—are harder to prove.

Nonwhites then find that race is, paradoxically, both everywhere and nowhere,
structuring their lives, but not formally recognized in political/moral theory. But in a
racially-structured polity, the only people who can find it psychologically possible to
deny the centrality of race are those who are racially privileged, for whom race is invis-
ible precisely because the world is structured around them, whiteness as the ground
against which the figures of other races—who, unlike us, are raced—appear. The
fish does not see the water, and whites do not see the racial nature of a white polity
because it is natural to them, the element in which they move.

The Racial Contract shows us that we need another alternative, another way of the-
 orizing about and critiquing the state: the *racial*, or white-supremacist state, whose func-
tion inter alia is to safeguard the polity as a white or white-dominated polity, enforcing
the terms of the Racial Contract by the appropriate means and, when necessary, facilitat-
ing its rewriting from one form to another.

The liberal-democratic state of classic contractarianism abides by the terms of the
social contract by using force only to protect its citizens, who delegated this moralized
force to it so that it could guarantee the safety not to be found in the state of nature.
(This was, after all, part of the whole point of leaving the state of nature in the first
place.) By contrast, the state established by the Racial Contract is by definition *not*
neutral, since its purpose is to bring about conformity to the terms of the Racial Contract
among the subperson population, which will obviously have no reason to accept these
terms voluntarily, since the contract is an exploitation contract.

Now by its relative silence on the question of race, conventional moral theory would
lead the unwary student with no experience of the world—the visiting anthropologist
from Galactic Central, say—to think that deviations from the ideal have been contingent,
random, theoretically opaque, or not worth the trouble to theorize. Such a visitor might
conclude that all people have generally tried to live up to the norm but, given inevitable
human frailty, have sometimes fallen short. But this conclusion is, in fact, simply false.
Racism and racially structured discrimination have not been *deviations* from the norm;
they have *been* the norm, not merely in the sense of de facto statistical distribution
patterns but, as I emphasized at the start, in the sense of being formally codified, written down and proclaimed as such.

What does it require for a subperson to assert himself or herself politically? To begin with, it means simply, or not so simply, claiming the moral status of personhood. So it means challenging the white-constructed ontology that has deemed one a “body impolitic,” an entity not entitled to assert personhood in the first place. In a sense one has to fight an internal battle before even advancing onto the ground of external combat. One has to overcome the internalization of subpersonhood prescribed by the Racial Contract and recognize one’s own humanity, resisting the official category of despised aboriginal, natural slave, colonial ward. One has to learn the basic self-respect that can casually be assumed by Kantian persons, those privileged by the Racial Contract, but which is denied to subpersons. Particularly for blacks, ex-slaves, the importance of developing self-respect and demanding respect from whites is crucial. Frederick Douglass recounts “how a man was made a slave,” and promises “you shall see how a slave was made a man.”1 But a hundred years later this struggle is still in progress. “Negroes want to be treated like men,” wrote James Baldwin in the 1950s, “a perfectly straightforward statement, containing only seven words. People who have mastered Kant, Hegel, Shakespeare, Marx, Freud, and the Bible find this statement utterly impenetrable.”2


THE MAIN POINTS IN CHAPTER SIX

1. John Stuart Mill devoted his life to applying the principle of utilitarianism to social questions. In the course of his writings, he revised the principle in three ways:
   a. He distinguished lower and higher pleasures.
   b. He recognized the role of habit or custom in economic life.
   c. He denied the right of the state to interfere in the private lives of men and women.

2. The utilitarians defended the free market, or laissez-faire, principle that consumers and producers should be free to make bargains in the marketplace without government interference.

3. Socialists like Karl Marx criticized capitalism for exploiting the working class, for corrupting the work process so that it became a source of pain and suffering rather than fulfillment, and for driving the economy into ever-greater business crises. Marx claimed that a socialist revolution would put an end to capitalism by placing ownership and control of the society’s means of production in the hands of the working class.

4. The pluralist theory of American democracy takes into account the interest group political activity that goes on between elections. It claims that, through such political activity, the complexity and intensity of the interests of citizens are given expression.

5. Classical social contract theory and its modern variants completely ignore the white domination and exploitation of nonwhite peoples, which has been a central fact of world history for the past four centuries. An alternative model of the state, called the Racial Contract by Charles Mills, seeks to capture and understand that fact.
CHAPTER 6  Social and Political Philosophy

QUESTIONS FOR DISCUSSION AND REVIEW

1. According to Mill, we should judge public policies on the basis of their tendency to produce the greatest happiness for the greatest number. Select one of the issues currently being debated in the United States—drug policy, abortion policy, the balanced budget—and try to analyze it in terms of the tendency of the competing proposals to promote the greatest happiness. Is it possible to analyze public policies in this way? What are some of the problems? Does Mill’s way of thinking clarify the issues for you?

2. Mill claims that we, the public, are good judges of consumer goods, but poor judges of cultural and intellectual goods, such as books, music, and art. Do you agree? Is it, in your experience, easier for you to judge the value of a consumer good such as a car, a VCR, or a quart of milk? Or is it easier to judge the value of a novel, a movie, or a CD record? In this age of advertising, with millions of competing consumer goods, do we need government regulation to protect us? What about medicines and drugs? Are we, as consumers, good judges of their value? If we turn over the job of evaluating commodities to the state, how do we guarantee that the state will protect us?

3. In the United States today, barely half of the eligible voters bother to vote in a general presidential election. In non-presidential years, the turnout is even smaller. What would Rousseau or Locke say about this fact? Does it call into question the legitimacy of the officials who are elected? If I do not bother to vote, am I morally bound to obey the laws passed by the representatives who get elected?

4. Underlying the justification of representative democracy is the assumption that individual voters sometimes get what they want and sometimes do not. But suppose some voters, for example black or Latino voters, are permanent losers. They vote, but their candidates never get elected because everyone votes along racial lines and they are in the minority. Are they still morally bound to obey the laws passed by the representatives who do get elected? If you think the answer is no, what changes in the system of elections might give all segments of a society a chance to be represented?

5. Charles Mills claims that there is a racial contract among white people to oppress and exploit non-white people. If your philosophy class has both white and non-white students in it, have a discussion in which each student is asked to describe how he or she experiences American society. See whether Mills is right that the perceptions of white and non-white people are radically different. How do you think Rousseau and Locke would respond to Mills’ thesis?

THE PRIMARY SOURCE: PHILOSOPHICAL READINGS AND COMMENTARY

Read on myphilosophylab.com

Aristotle: The Politics
Hegel, Georg: The Philosophy of History (in part)
Hobbes, Thomas: Leviathan (Parts 1 and 2)
Locke, John: Second Treatise of Government
Marx, Karl: The Communist Manifesto
Mill, John Stuart: On Liberty; Utilitarianism
Plato: The Republic; The Laws (in part)
Smith, Adam: The Wealth of Nations
Wollstonecraft, Mary: A Vindication of the Rights of Women (in part)
CONTEMPORARY APPLICATION

Is Health Care a Right?

In the first year and a half of Barack Obama’s presidency, the nation went through a vast, contentious, extremely complicated political process of debate and legislative compromise, ending with the passage and the signing into law of the most ambitious revision of America’s health care insurance and delivery since the creation of the Medicare program forty-five years ago. For months on end, newspapers, television news programs, and political blogs were filled with agitated debate about the wisdom, the desirability, and the implications of the proposals being negotiated in the House of Representatives and the Senate. If nothing else, the experience was an invaluable practical lesson in the way a modern representative democracy works.

At times, it was difficult to get past the heated rhetoric and exaggerated claims and warnings, but with the help of a little distance from the battle and the benefit of hindsight we can see that what was really going on was a full-scale argument about some of the most fundamental social and political issues dividing Americans.

If I may sum the debate up in a single phrase, what was at issue was this: Do all Americans have a right to receive decent health care, or is health care merely a consumer good that people may choose to buy if they have the money to pay for it? Almost everyone agrees that we all have a right to be protected from harm by the police, whether we can afford to pay for it or not. Rich people may hire private guards to patrol the walls of their gated communities, but even poor people, we think, have a right not to be murdered in their beds by thieves. Pretty much all of us think that the protection afforded by the fire departments of America should be equally available to all, rich and poor. And when it comes to national defense, no one suggests that each of us should be responsible for hiring his or her own private army.

So what about health care? Is it like fire and police protection and national defense—something to which we all have a right? Or is it more like consumer goods that we are free to buy if we have the money and want to spend it, but which we cannot claim as a right? Well, as you might imagine, people differ passionately about this question. Here are four strong statements on the question. Bernie Sanders, who for many years was a member of the House of Representatives from Vermont and is now one of Vermont’s two senators, argues that health care is a right, not a privilege. He is joined on this side of the debate by Donna Smith, a California-based community organizer. On the other side of the debate, we begin with a short statement by Representative Ron Paul, a long-time member of the House from Texas. We conclude with a longer and more detailed essay by Leonard Peikoff, who is widely viewed as the principal intellectual heir and defender of the novelist and Objectivist political writer Ayn Rand.

The fundamental principles on which Sanders and Smith disagree with Paul and Peikoff go to the very heart of the modern nation-state. They will continue to be debated, with regard to many other issues besides health care, for as long as American democracy survives.
Health Care Is a Right, Not a Privilege

Bernie Sanders

Our health care system is deteriorating. There are now 47 million people who have no health insurance, 8 million more than when President Bush took office. Millions more are uninsured. Costs are soaring. The result is not only widespread human tragedy but major economic problems.

What’s more, at a time when we are not producing the numbers of doctors, nurses, and dentists needed, 56 million Americans—whether or not they have insurance—lack access to the most basic primary health care services. In some parts of the country life expectancy is even declining, while some 22,000 of our citizens needlessly die every year because they lack health insurance. Meanwhile, we spend twice as much per capita on health care as any other country. As a result of the greed, waste, fraud and bureaucracy in our current system, the United States now spends $2.3 trillion a year, or 16 percent of the gross domestic product, on health care. That amounts to an unsustainable $7,600 for every man, woman, and child.

What do we get for all this spending? According to the World Health Organization, the United States ranks 37th in terms of health system performance and 72nd in overall population health. Moreover, a recent international survey found the U.S. is dead last in terms of patient satisfaction.

In the long term, we need to have the courage to take on the insurance companies, drug companies, and other powerful and well-funded special interests which make billions of dollars off of human illness. Simply stated, we need to move toward a national health care program that guarantees health care to all as a right, not a privilege. When we do that, and end the greed and profiteering in the current system, studies show that we can provide quality care for all Americans without spending a nickel more than we currently spend.

While more and more Americans and health care practitioners continue to fight for the establishment of a national health care program, there are also short-term actions Congress can take that would radically improve health care opportunities for tens of millions of Americans and make the current system far more cost effective.

For a relatively small amount of money, we can provide primary health care to every American in need of it through an expansion of the successful Federally Qualified Health Center program. On a budget of only $2 billion a year, this program, which has enjoyed widespread bipartisan support, now provides primary health care, dental care, mental health counseling, and low-cost prescription drugs to 17 million people through 1,100 health center organizations in every region of the country for an average cost of $125 per patient per year. The doors of these centers are open to all, including patients with Medicaid, Medicare, private insurance, or no insurance at all, with sliding-scale fees.

Today, another 800 community health centers already have been approved but have not been funded because of inadequate resources. The simple and very important truth is that, if we fund these 800 already-approved centers and an additional 2,900 centers over the next five years, we could provide primary health care to every American in need of it. In other words, for a total of $8.3 billion a year, we could have 4,800 centers caring for 56 million people in every medically-underserved region of the country.

This upfront investment—which constitutes less than 0.5 percent of overall U.S. spending on health care—would more than pay for itself. The centers are among the most cost efficient federal programs in existence today. On average, medical expenses at health centers are 41 percent lower than in other health care settings.

Most importantly, from a financial point of view, by treating people when they should be treated, we can save billions by keeping patients away from emergency rooms and expensive hospitalizations. In fact, community health centers are estimated to cut the United States’ health care spending by between $10 billion and $18 billion annually through reduced emergency and specialty care. It’s not often that we are presented such a win-win situation—a program that meets critical needs while reducing overall health care expenditures by more than it costs.

Hand in hand with expanding health centers, we also must train the next generation of primary care providers needed to staff them. Already, fewer and fewer students are going into primary care professions, and this trend is only worsening at a time when we need them most. That is why a major investment in the National Health Service Corps and other health profession education programs is necessary in order to restore the supply of primary care providers.

At a time when the middle class is in rapid decline, the United States must guarantee health care for all. A major expansion of the community health care program would be an important step forward in that direction.
It’s About Human Rights, Not the Money

Donna Smith

No matter which intellectual or which political candidate or which self-righteous activist from which camp on the right or the left or anywhere in-between says differently, the absolute need to reform and transform our healthcare system still rests in the outing of the human rights violations and the human suffering. Period.

The battle to extend the only truly universal and therefore the only truly just system of care marches on—the health insurance expansion bill just passed by Congress and signed into law does not secure healthcare for all. It’s a bill that protects a financial product—and a defective one at that.

This struggle is about the people. It’s about their bodies and their lives and the people they love.

Some intellectuals will brag and say they’ve moved beyond the need for patient stories and beyond the tear-jerking, horror tales that ooze in ever increasing numbers out from our healthcare system. Some want only to hear the fiscal arguments, as if those who are primarily motivated by money and profit will somehow be in solidarity with anyone else not so motivated.

“Unlike most progressive individuals, I read the conservative manifesto Atlas Shrugged at the age of 14,” writes author Lex Tinker-Sackett, Single Payer Solution: America’s Health Care Cure (Ixaco Press, 2010). “I was raised as an objectivist and fully understand the rhetoric and goals of the conservatives. That is why I purposefully left out the heart rending stories of victims of private health insurance and our for profit healthcare system. They simply do not work.”

Hate to disagree here, but it has been my experience in life that those who are motivated by greed and profit and survival of the fittest mentalities don’t give a damn about anything or anyone but the bottom line—and a very large bottom line at that. If Lex or others think they’ll pull legions of manifesto-reading conservatives or even droves of right leaning policymakers to support single-payer healthcare by shutting out the stories of patient suffering and selling people on the superior economic potential of single-payer reform, I think he’s dead wrong.

You see, part of the conservative mentality as played out in recent years in this nation goes well beyond fiscal conservatism and stands firmly against all people being equally deserving of the human right to healthcare. I have listened to a good number of conservatives say quite bluntly that they do not wish to work hard to pay for food or housing or schooling or healthcare for anyone else who has not had to work just as hard to “earn” those things. If a child starves or dies or is unable to read or lives in the back seat of a car, that child was not the victim of any systemic failure but of the failure of a parent who just didn’t try hard enough.

Have we ever seen the escalating costs of war move the warmongers from their beliefs in the need to go to battle or bomb or occupy another nation? I must have missed it if we have. The arguments against wars that resonate and reverberate enough to generate significant public pressure against war are those arguments that show the death and the suffering, the torture and inhumanity of it all. People kill people in battle. People die unnecessarily. While the costs of war can be part of an overall strategy to show the futility and the insanity of spending our resources on killing people, the highest costs and the ones that reach into our souls and make us cry out for an end to war are those surrounding loss of human life and loss of human potential.

So as we battle on to secure the basic human right to healthcare in the United States, we must do so with clarity and a singular focus about what is right and what is wrong, what is just and what is not, what is moral and what is immoral. We must, with the people’s voices, demand the same right we signed on to way back in 1948, from Article 25 of the U.N. “Universal Declaration of Human Rights,” that holds that every human being has the right to health, including healthcare.

Our word to ourselves and to our world must mean something. We stand to account for our position on human rights else we ought to remove ourselves from those nations that say they believe.

No matter what, ending the people’s suffering still must be the primary reason to transform our system into one that is patient-centered and not profit-centered. If what we are about still remains centered on money and protecting profits, no need to enlist armies of grassroots supporters for that—let the intellectuals gather and publish their single-payer treatise on economics and let’s see how far we get with that.

At the first U.S. Social Forum in Atlanta, I sat in the back of a hot, outdoor tent and listened to the first healthcare truth hearing I had ever attended.
People—everyday, work-a-day people—told their stories of healthcare woes in the United States. It was powerful stuff in many ways. From the volume of stories to the depth of pain, each story touched on at least one of the traumas of our brutal, for-profit healthcare nightmare in this nation.

I wrote about a woman who for lack of appropriate dental care had lost nearly all of her teeth and hence her ability to earn a living and finally her home. I wrote a piece on it three years ago, and I still remember her face as clearly as if it were yesterday: http://sickothemovie.com/blog/labels/US%20Social%20Forum.html

In the years since that 2007 piece, much has happened in the movement to secure a progressively financed, single standard of high quality healthcare for all in the United States.

At this year’s US Social Forum in Detroit, I heard an equally disturbing story of a woman and her young daughter. The child has a serious seizure disorder which is stealing parts of her brain away with each seizure event. Her mother has worked and worked very hard to provide a living and health insurance and proper care for her daughter. But, then the insurance company stopped covering the anti-seizure medications. Faced with either thousands in out-of-pocket costs or allowing her daughter to go without the meds, this mother stood before those assembled and raged her righteous fight. Without her medications, this young girl will eventually have a seizure that will take her ability to breath or think or even for her heart to beat. “I cannot qualify for Medicaid, because I earn too much,” her mother said with anger and passion, “But why should I not be allowed to have my daughter with me on this earth for every moment God will allow?”

The room grew silent. The question, the moral and the ethical and the human rights question stayed before us like a glaring light on our shared agony and disbelief—and a beacon for our work. This mother offered up the economic situation clearly enough. She has insurance; private insurance won’t pay for the meds; she earns too much for Medicaid to cover her daughter’s meds; and unless she quits her job and falls into deeper poverty over the course of weeks or months, her daughter faces death or at the least more debilitating seizures. Clear enough, eh?

But the even clearer picture she painted was of a mother’s outrage at the inhumanity of it all—the human rights issues infused the moment with its power and solidarity in our shared struggle. Should all of the undoubtedly cogent arguments about cost savings allow this young girl to suffer and die if her mother cannot pay for meds in a civilized society’s healthcare system? Should the child die if we cannot argue to a conservative’s satisfaction that her life’s value is adequate on that ever-critical bottom line? Or are we about something larger and more basic?

It’s about the human rights, folks. It always has been, and it always will be. Healthcare is not a commodity. If we give that up in the argument to gather a few of the right-wingers of the ilk who have read the conservative manifesto, we’ll lose all the mothers who work for their children to have better lives in a nation that says it believes in human rights.

I want the mothers and fathers on my team for single-payer reform. I’ll stand with the patients and loved ones who keep crying out to us all and providing the frame of justice that ultimately will not be denied. Others will have to play the brain games and sit in the chatterbox with the money-changers.

Winston Churchill once asked a woman if she would sleep with him for a million pounds and she coyly hesitated and then accepted. He then asked her if she would sleep with him for 5 pounds. She snapped at him, “Certainly not! What kind of woman do you think I am?”

“Madam” he replied, “We’ve already established what kind of woman you are. Now we’re just dicker ing about the price.”

Healthcare is a basic human right, and when we quibble about how much that’s worth in dollars and cents, we’ve acknowledged we have a price to place on that human right.
community and economy are thrown wildly off balance when people accept those ideas.

First of all, other people must pay for things like healthcare. Those people have bills to pay and families to support, just as you do. If there is a “right” to healthcare, you must force the providers of those goods, or others, to serve you.

Obviously, if healthcare providers were suddenly considered outright slaves to healthcare consumers, our medical schools would quickly empty. As the government continues to convince us that healthcare is a right instead of a good, it also very generously agrees to step in as middle man. Politicians can be very good at making it sound as if healthcare will be free for everybody. Nothing could be further from the truth. The administration doesn’t want you to think too much about how hospitals will be funded, or how you will somehow get something for nothing in the healthcare arena. We are asked to just trust the politicians. Somehow it will all work out.

Universal Healthcare never quite works out the way the people are led to believe before implementing it. Citizens in countries with nationalized healthcare never would have accepted this system had they known upfront about the rationing of care and the long lines.

As bureaucrats take over medicine, costs go up and quality goes down because doctors spend more and more of their time on paperwork and less time helping patients. As costs skyrocket, as they always do when inefficient bureaucrats take the reins, government will need to confiscate more and more money from an already foundering economy to somehow pay the bills. As we have seen many times, the more money and power that government has, the more power it will abuse. The frightening aspect of all this is that cutting costs, which they will inevitably do, could very well mean denying vital services. And since participation will be mandatory, no legal alternatives will be available.

The government will be paying the bills, forcing doctors and hospitals to dance more and more to the government’s tune. Having to subject our health to this bureaucratic insanity is possibly the biggest danger we face. The great irony is that in turning the good of healthcare into a right, your life and liberty are put in jeopardy.

Instead of further removing healthcare from the market, we should return to a true free market in healthcare, one that empowers individuals, not bureaucrats, with control of healthcare dollars. My bill HR 1495 the Comprehensive Healthcare Reform Act provides tax credits and medical savings accounts designed to do just that.

**Health Care Is Not a Right**

Leonard Peikoff

Most people who oppose socialized medicine do so on the grounds that it is moral and well-intentioned, but impractical; i.e., it is a noble idea—which just somehow does not work. I do not agree that socialized medicine is moral and well-intentioned, but impractical. Of course, it is impractical—it does not work—but I hold that it is impractical because it is immoral. This is not a case of noble in theory but a failure in practice; it is a case of vicious in theory and therefore a disaster in practice. I want to focus on the moral issue at stake. So long as people believe that socialized medicine is a noble plan, there is no way to fight it. You cannot stop a noble plan—not if it really is noble. The only way you can defeat it is to unmask it—to show that it is the very opposite of noble. Then at least you have a fighting chance.

What is morality in this context? The American concept of it is officially stated in the Declaration of Independence. It upholds man’s unalienable, individual rights. The term “rights,” note, is a moral (not just a political) term; it tells us that a certain course of behavior is right, sanctioned, proper, a prerogative to be respected by others, not interfered with—and that anyone who violates a man’s rights is: wrong, morally wrong, unsanctioned, evil.

Now our only rights, the American viewpoint continues, are the rights to life, liberty, property, and the pursuit of happiness. That’s all. According to the Founding Fathers, we are not born with a right to a trip to Disneyland, or a meal at McDonald’s, or a kidney dialysis (nor with the 18th-century equivalent of these things). We have certain specific rights—and only these.

Why only these? Observe that all legitimate rights have one thing in common: they are rights to action, not to rewards from other people. The American rights impose no obligations on other people, merely the negative obligation to leave you alone. The system guarantees you the chance to work for what you want—not to be given it without effort by somebody else.

The right to life, e.g., does not mean that your neighbors have to feed and clothe you; it means you
have the right to earn your food and clothes yourself, if necessary by a hard struggle, and that no one can forcibly stop your struggle for these things or steal them from you if and when you have achieved them. In other words: you have the right to act, and to keep the results of your actions, the products you make, to keep them or to trade them with others, if you wish. But you have no right to the actions or products of others, except on terms to which they voluntarily agree.

To take one more example: the right to the pursuit of happiness is precisely that: the right to the pursuit—to a certain type of action on your part and its result—not to any guarantee that other people will make you happy—or even try to do so. Otherwise, there would be no liberty in the country: if your mere desire for something, anything, imposes a duty on other people to satisfy you, then they have no choice in their lives, no say in what they do, they have no liberty, they cannot pursue their happiness. Your “right” to happiness at their expense means that they become rightless serfs, i.e., your slaves. Your right to anything at others’ expense means that they become rightless.

That is why the U.S. system defines rights as it does, strictly as the rights to action. This was the approach that made the U.S. the first truly free country in all world history—and, soon afterwards, as a result, the greatest country in history, the richest and the most powerful. It became the most powerful because its view of rights made it the most moral. It was the country of individualism and personal independence.

Today, however, we are seeing the rise of principled immorality in this country. We are seeing a total abandonment by the intellectuals and the politicians of the moral principles on which the U.S. was founded. We are seeing the complete destruction of the concept of rights. The original American idea has been virtually wiped out, ignored as if it had never existed. The rule now is for politicians to ignore and violate men’s actual rights, while arguing about a whole list of rights never dreamed of in this country’s founding documents—rights which require no earning, no effort, no action at all on the part of the recipient.

You are entitled to something, the politicians say, simply because it exists and you want or need it—period. You are entitled to be given it by the government. Where does the government get it from? What does the government have to do to private citizens—to their individual rights—to their real rights—in order to carry out the promise of showering free services on the people?

The answers are obvious. The newfangled rights wipe out real rights—and turn the people who actually create the goods and services involved into servants of the state. The Russians tried this exact system for many decades. Unfortunately, we have not learned from their experience. Yet the meaning of socialism is clearly evident in any field at all—you don’t need to think of health care as a special case; it is just as apparent if the government were to proclaim a universal right to food, or to a vacation, or to a haircut. I mean: a right in the new sense: not that you are free to earn these things by your own effort and trade, but that you have a moral claim to be given these things free of charge, with no action on your part, simply as handouts from a benevolent government. . . .

Under the American system you have a right to health care if you can pay for it, i.e., if you can earn it by your own action and effort. But nobody has the right to the services of any professional individual or group simply because he wants them and desperately needs them. The very fact that he needs these services so desperately is the proof that he had better respect the freedom, the integrity, and the rights of the people who provide them.

You have a right to work, not to rob others of the fruits of their work, not to turn others into sacrificial, rightless animals laboring to fulfill your needs.

Some of you may ask here: But can people afford health care on their own? Even leaving aside the present government-inflated medical prices, the answer is: Certainly people can afford it. Where do you think the money is coming from right now to pay for it all—where does the government get its fabled unlimited money? Government is not a productive organization; it has no source of wealth other than confiscation of the citizens’ wealth, through taxation, deficit financing or the like.

But, you may say, isn’t it the “rich” who are really paying the costs of medical care now—the rich, not the broad bulk of the people? As has been proved time and again, there are not enough rich anywhere to make a dent in the government’s costs; it is the vast middle class in the U.S. that is the only source of the kind of money that national programs like government health care require. A simple example of this is the fact that all of these new programs rest squarely on the backs not of Big Business, but of small businessmen who are struggling in today’s economy merely to stay alive and in existence. Under any socialized regime, it is the “little people” who do most of the paying for it—under the senseless pretext that
“the people” can’t afford such and such, so the government must take over. If the people of a country truly couldn’t afford a certain service—as, e.g., in Somalia—neither, for that very reason, could any government in that country afford it, either.

Some people can’t afford medical care in the U.S. But they are necessarily a small minority in a free or even semi-free country. If they were the majority, the country would be an utter bankrupt and could not even think of a national medical program. As to this small minority, in a free country they have to rely solely on private, voluntary charity. Yes, charity, the kindness of the doctors or of the better off—charity, not right, i.e. not their right to the lives or work of others. And such charity, I may say, was always forthcoming in the past in America. The advocates of Medicaid and Medicare under LBJ did not claim that the poor or old in the ’60’s got bad care; they claimed that it was an affront for anyone to have to depend on charity.

But the fact is: You don’t abolish charity by calling it something else. If a person is getting health care for nothing, simply because he is breathing, he is still getting charity, whether or not any politician, lobbyist or activist calls it a “right.” To call it a right when the recipient did not earn it is merely to compound the evil. It is charity still—though now extorted by criminal tactics of force, while hiding under a dishonest name.

As with any good or service that is provided by some specific group of men, if you try to make its possession by all a right, you thereby enslave the providers of the service, wreck the service, and end up depriving the very consumers you are supposed to be helping. To call “medical care” a right will merely enslave the doctors and thus destroy the quality of medical care in this country, as socialized medicine has done around the world, wherever it has been tried, including Canada (I was born in Canada and I know a bit about that system first-hand). . . .

Any mandatory and comprehensive plan will finish off quality medicine in this country—because it will finish off the medical profession. It will deliver doctors bound hands and feet to the mercies of the bureaucracy.

The only hope—for the doctors, for their patients, for all of us—is for the doctors to assert a moral principle. I mean: to assert their own personal individual rights—their real rights in this issue—their right to their lives, their liberty, their property, their pursuit of happiness. The Declaration of Independence applies to the medical profession too. We must reject the idea that doctors are slaves destined to serve others at the behest of the state.

Doctors, Ayn Rand wrote, are not servants of their patients. They are “traders, like everyone else in a free society, and they should bear that title proudly, considering the crucial importance of the services they offer.”

The battle against socialized medicine depends on the doctors speaking out against it—not only on practical grounds, but, first of all, on moral grounds. The doctors must defend themselves and their own interests as a matter of solemn justice, upholding a moral principle, the first moral principle: self-preservation.