

Philosophy 104, Ethics, Queens College, Spring 2006
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Lecture Notes, March 20

I. Contrasting the social contract as it appears in the works of Locke and Hobbes

Hobbes starts with no assumption of morality in the state of nature.
Thus, the commonwealth can not exist to protect natural rights.
Instead it is the source of those rights.
Hobbes defends absolute power in the commonwealth, as the source of all rights and justice.

Locke, in contrast, starts by assuming that morality and rights exist in the state of nature.
In particular, we have rights to life, freedom, and property.
These are significant metaphysical assumptions.
(We can see that other people have noses, but it is harder to see that they have rights.)
In the state of nature, we have no protection for our natural rights.
Everyone, being roughly equal, is equally liable to be wronged without protection or reparation.
So, for Locke, we form the social contract in order to protect these natural rights.
Locke defends a more limited governmental power than Hobbes does.

Since the assumption of natural rights is a significant assumption, it is in Hobbes's favor that he can avoid it.
On the other hand, Hobbes's position yields as a consequence that outside of a commonwealth, between rival states, say, or among people on a desert island, there is no morality.
Furthermore, there is no distinction, for Hobbes, between illegality and immorality.
Since Locke assumes that morality transcends the social contract, he owes us an account of natural rights.
Specifically, what gives you the right to own something?

II. Locke on property rights

Locke starts by arguing that just by being born, we have the natural right to self-preservation.
We are naturally entitled to whatever we need to survive, including food, water, and shelter.
Hobbes basically agrees, so far, since he says that we have the right to everything in the state of nature.

But what happens if some one takes your property?
In the state of nature, we are all equal, so no individual can alone protect himself or his property.
For Hobbes, the thief has as much right to what you have as you do.
Locke disagrees, and argues that the thief is actually wronging you.

In order to use something, like food, we have to make it ours first.
I have to own the apple to eat it.
I own my own body, and thus what I make with it when I mix my labor with the environment, p 345.
Compare with Proudhon's "Property is theft;" see the link on website.
But we may not take more than we can use, p 345.
For Locke, our natural rights, moral facts, justify property ownership.
The role of government is thus for protection of our rights, most significantly our property rights, pp 347.
All laws should be justified, in some way, by how they protect our natural rights.

These laws should not be arbitrary, as they might seem by looking at the U.S. tax code, for example. The laws should be decided by a majority, p 346.

Compare with Socrates, in Plato's *Crito*, which we will read later this term.

It remains an open question whether we can account for all our laws, and for government in general, by appeal to this abstract, general principle.

III. Mandeville and liberalism

Locke's theory of property rights reflects enlightenment liberalism, which is sometimes called classical liberalism to distinguish it from the contemporary political use of the term.

Classical liberalism emphasized the individual, and his rights, based on his ability to reason, over the demands of the state.

Thus, a state does not get its legitimacy divinely, but from the reasoned consent of the governed.

And if I break the law, the state has the right to punish me because I have given my tacit consent to such punishment.

The selection we have been reading is from *The Second Treatise on Government*, published in 1690.

Locke's liberalism was a major influence on Adam Smith and his free market capitalism.

Smith, usually credited with founding economics, published *The Wealth of Nations* in 1776.

For Smith, the state will function best if every individual is left to pursue his or her own interests in a free market.

Capitalism was opposed to mercantilism, which supported government control and guidance of trade.

Smith's faith in the individual led to what is sometimes called laissez faire economics.

The government should, as far as possible, leave the individual alone to pursue his own good in his own way.

And the invisible hand of the market will lead the community to prosperity.

Smith was also influenced, surely, by Bernard Mandeville, who published *The Fable of the Bees* in 1723.

The Fable of the Bees is the founding metaphor of capitalism, and there's a link to it on the course website.

The basic idea is that in a hive, each bee pursues his own self-interest, and by doing so, the hive flourishes.

Here's an excerpt:

Thus every Part was full of Vice,
Yet the whole Mass a Paradise;
Flatter'd in Peace, and fear'd in Wars,
They were th' Esteem of Foreigners,
And lavish of their Wealth and Lives,
The Balance of all other Hives.
Such were the Blessings of that State;
Their Crimes conspir'd to make them Great:
And Virtue, who from Politicks
Had learn'd a Thousand Cunning Tricks,
Was, by their happy Influence,
Made Friends with Vice: And ever since,
The worst of all the Multitude
Did something for the Common Good.

...

Then leave Complaints: Fools only strive
To make a Great an Honest Hive
T' enjoy the World's Conveniencies,
Be fam'd in War, yet live in Ease,
Without great Vices, is a vain
Utopia seated in the Brain.
Fraud, Luxury and Pride must live,

While we the Benefits receive:
Hunger's a dreadful Plague, no doubt,
Yet who digests or thrives without?
Do we not owe the Growth of Wine
To the dry shabby crooked Vine?
Which, while its Shoots neglected stood,
Chok'd other Plants, and ran to Wood;
But blest us with its noble Fruit,
As soon as it was ty'd and cut:
So Vice is beneficial found,
When it's by Justice lopt and bound;
Nay, where the People would be great,
As necessary to the State,
As Hunger is to make 'em eat.
Bare Virtue can't make Nations live
In Splendor; they, that would revive
A Golden Age, must be as free,
For Acorns, as for Honesty.

Mandeville, *Fable of the Bees*, §9, §23-4

Madeville, and Smith, argue that individuals should not be constrained by morality, or law, to sacrifice their own interests.

Rather, they should be left free to pursue those interests, whatever they be.

Only this way, will the society be best served.

Ironically, we can derive another moral theory from the social contract, one which opposes Mandeville and Smith.

It is ironic, given Locke's influence on Smith and capitalism.

IV. The Prisoner's Dilemma

We can devise another moral theory, based on the social contract.

To see this, consider the Prisoner's Dilemma.

Two conspirators are arrested, put into separate cells from which they can not communicate with each other.

They are each given the following options.

They may cooperate, or defect.

'Cooperate' and 'defect' refer to the relationship between A and B.

When they cooperate, they cooperate with each other.

When they defect, they defect from each other.

		Person A	
		Cooperate	Defect
Person	Cooperate	A and B each get 2 years in jail.	A goes free, while B dies.
B	Defect	B goes free while A dies.	A and B each get 7 years in jail.

Assume that A and B are rational and self-interested.

What should they do?