

Political Philosophy Revision Notes

Brief Definitions

Autonomy - A group or individual who has the ability to govern themselves, make decisions and act upon those decisions. Self-Government.

Democracy – A government ruled by the people, and consisting of ‘the people’.

Direct Democracy – Electors (the people) vote on every Government Issue.

Representative – Electors vote in a person to represent ‘the people’.

Ideology – A set of rules, morals and political views that governments base their ideals on. Usually includes a view of human nature.

Social Contract – The mutual agreement between the people and the government on issues that affect the country and the people within, such as rights and duties.

Theocracy – Government, which subscribes to the ideals of religion. Rule by god.

Tyranny – Government by one unelected individual who imposes his will upon the population.

Note: Some Tyrannies may be elected into power through deception. Eg, Hitler’s German Nazi Party

Capitalism – A society in which everybody works for their own gain, and/or financial development. Can lead to massive growth in middle classes.

Political Philosophy is aimed at analysing how a society works and how they are governed by a ruling power. It seeks to evaluate the different ethical and political standpoints in different political parties, and analyse how they affect the citizens of the country/state. Some key ideologies include;

Conservatism

- Tradition and custom is more important than change, unless change is desperately needed.
- Will tend to view human nature as innately selfish.
- It is government’s job to create legislation in order to provide a secure and supportive social context in which people can realise their full potential. Concentrates on maximising Positive Freedom.
- If Thomas Hobbes had lived in the modern era, he would probably have been conservative.

Liberalism

- The individual should have the maximum liberty possible as long as his actions affect only him.

Socialism

- Response to Capitalism. Government in which wealth and state owned property is distributed among the population. According to Marx, the Proletariat rises against the bourgeoisie and seizes the privately owned property.

Anarchism

- Abolishment of the state. Individuals live together in harmony, usually in groups, and work for the survival and benefit of that group.

Types of Government

Democracy

- Literally means, “Rule by the People”
- Criticised by Plato as “committing the conduct of state affairs to the whims of the multitude”. The people do not have the political experience to be able to make decisions that are best for everybody. Instead, people tend to vote for things that they want rather than what they need.

Two types of democracy –

Representative Democracy – Electors (aka, ‘the people’) vote a representative into government who will carry out the will of the people. This is the type of government that is seen in many western countries today. The person voted in will be expected to vote for issues that concern the multitude most, as he is the ‘figurehead’ of the people.

- ***Sometimes the elected representatives do not always carry out the will of the people, but more so the will of the ruling majority.***
- ***The horse is taken to water and made to drink. In this context, it means that ‘the people’ can not nominate a representative for the vote. The people are only given a choice between several government nominated individuals, whether they reflect the true will of the people or not***

Direct Democracy – All the electors are gathered to vote on every Government Issue. An example of a Direct Democracy would be Plato's Athens, which in those times only housed about 250,000 people. Out of those, 50,000 would be entitled to vote on every Government Issue at hand. As Athens grew though, it became too hard to continue using this system, so it is much easier for governments to use an individual to represent the multitude.

THE STATE

The state is a political entity, which claims control over a people and a geographical area. It usually contains a set of institutions that claim an authority, and help decide the laws that people must follow within its border.

Max Weber defined the state as an entity which claims "a monopoly on the legitimate use of physical force within its territory".

- Such examples include armed forces, police, the legal system, etc.
- The state may disarm others within its own jurisdiction who threaten to provoke its power.
- The state claims a licence to regulate all activities within its territory, even those of other organisations within the jurisdiction.
- The State claims to represent the people and institutions of the country.

Although the state is a universal power within the jurisdiction, it is made up of many different ideologies that are constantly in conflict with each other. This is known as the Government, and although have similar basic principles, they all have differing ideas about how the state should run the country. In general, the ideal that is held by the majority/ruling power is the main set of rules by which the state will attempt to act on.

Functions of the state

The primary role of the state is to protect its citizens, and provide security for the general population. This can include defence from foreign aggression, prevention of crime within the state and maintenance of institutions such as the penal system and the courts.

- Hobbes argues that in order for any sort of trade, agriculture, 'commodious living', etc to be achieved, then the state MUST be powerful enough to protect its borders, and must also be powerful enough to exercise punishment on people who commit crime. Only once these conditions have been fulfilled can the state work on the lesser important necessities (by lesser important, we mean that Security is the most important factor in a country).

Locke and Augustine have an opposing view to Hobbes. They both argue that the citizens within the state have a *right* to enjoy protection from abuse of the state's power. It is the state's duty to protect the people from itself. The state must then thus far be limited in its action so to protect its citizens.

- Hobbes would argue that any power exercised by the state is legitimate. The people do not get a say on how the ruler rules, unless the people are in direct threat of death by the actions of the state. Since the state is providing security for the people, any situation is better than the chaotic 'state of nature'.

Aristotle and Plato both had similar views about the roles of the state.

They both believed a leader chosen for his intellectual qualities and ability to produce strong and beneficial moral laws, should rule the state.

This leader would be more concerned with the character of his people, and would set down institutions to educate and train people to have certain desirable properties. This was the proposal of Aristotle.

- *This is similar to what we have today. Schools and colleges ensure people are trained to think a certain way and have certain qualities.*

Machiavelli responded to Aristotle by saying that the ruler does not need to abide by strict moral codes, and in fact discourages it as it only produces a weak, squeamish leader.

- *The main political goal for the leader should be to gain more power. The pursuit of power is how things get done, and if the leader was too squeamish, then he would fail in this pursuit.*
- *The leader can lie and doesn't have to respect the population, as this would make him a weak leader.*
 - But surely a leader who deceives his people cannot be trusted. If the people cannot trust their leader, then doesn't this make him weak?
 - The pursuit of power has been the downfall of major regimes, eg the German Nazi party.

Another problem with Aristotle's idea of a leader is that the leader claims to have correct moral laws that apply to everyone. The fact is not everybody has the same idea of morality, and so how can one person claim to know what's good for all-others?

Even with the intellectual capacity of this leader, noone can be virtuous enough to be trusted not to abuse his unlimited power.

FREEDOM

There are generally 2 types of freedom.

Negative Freedom

- Often described as 'Freedom From'
- Includes freedom from the law, slavery, hunger, thirst, etc.
- Example of the spinning bicycle wheel;
 - The bicycle is free to revolve around its axis. When you apply the brakes, you are forcing the wheel to stop.
 - This is analogous to Negative freedom. When we restrict someone's negative freedom, then we are forcing/coercing them to act in a certain way.
- Emphasis placed on Negative Freedom in liberal politics, ie by Mapping out a private sphere for the individual that he can act within without interference from the state. This was the view of John Stuart Mill.
 - It would not be justifiable for the state to interfere with any action that is within the individuals 'private sphere'.
 - Mill argues the only time government can limit a person's freedom is when their actions begin to harm others. The Harm Principle

This begs the question, what counts as harm? Pain to an average person is harm, whereas it is a pleasure to a masochist.
 - Liberals stress the importance of protecting the individuals liberty from the state by mapping out this private sphere of self-concerning actions.

Conservatives argue that an excess of a persons liberty can be a risk, and much prefer a supportive social context in which people can realise their potential.
- Characterised by Hobbes as a person's 'Liberty' and the absence of restraint.
 - Defined Law as the form of constraint which puts the brakes on a person's negative freedom.
 - Law in this sense is an evil, as it always strives to limit a person's sphere of action. Hobbes thought that the unlimited freedoms of people are too great a threat, and so it seems that law is a **necessary evil**.

Positive Freedom

- Many philosophers are against the idea that Negative freedom is the kind of freedom we should strive to increase. Positive freedom is a far more important goal.
- Characterised as a person's freedom to act and achieve.
- Often described as 'Freedom To'
- Freedom to hold and express an opinion, to get married, to have a good job and earn a good living, etc.
- Example of the spinning bicycle wheel;
 - The wheel is designed to work in a certain way and carry out certain functions, such as move the rider forward.
 - If for some reason the wheel cannot perform this function, then its positive freedom is reduced.
 - The positive freedom of the wheel is how well it is able to carry out its purpose.

- Emphasis placed on increasing an individual's Positive Freedom in left-wing Conservative politics.
 - The law should promote social order and cohesion, as these things all lead to positive freedoms.
 - *Sometimes, to increase positive freedom, a certain amount of negative freedom needs to be restricted. Children forced to go to School, etc.*
- *Isaiah Berlin pointed out that positive freedom can be used as a weapon by the government to justify all types of unjust coercion. Such would include coercing you on the grounds that they are increasing your freedom. He does not attempt to show that positive freedom is a bad thing; he just tries to show that history has shown that it can be abused.*

Constitutive and Regulative Rules

There are two types of rules. **Constitutive** and **Regulative** rules;

Constitutive Rules

- Corresponds to the Positive freedom aspect of the law
- In a game of football, the rules that define the way the game should be played are **Constitutive**. They define the purpose of the games mechanics, for instance, each team must attempt to score goals, includes a description of the field of play, etc.

Regulative Rules

- Corresponds to the Negative freedom aspect of the law.
- In football, the regulative rules would be the rules which stop the players from doing certain things, for instance, the players must not foul the other team, they must not be violent on the pitch, and generally restrict what the player can do on the field. They also define appropriate punishments for breaches of these rules.

Rousseau argues that increasing freedom of an individual can lead to eventual decrease of his positive freedom.

- *Examples: Person becoming addicted to alcohol and nicotine. They are no longer as free as they were before as they are burdened with this addiction.*
 - *Recent smoking ban in enclosed places will mean smokers will have less freedom than non-smokers.*
- *An example from politics would be a party that offers more freedom to the voters such as reduced tax, but are actually corrupt and use the same methods and before once they get into power. This leads to a reduced freedom for the citizens*

Rousseau says that citizens should be made aware of such possible losses of freedom, and then they will be able to decide whether to accept this coercion or not.

Rights

What does it mean to have a right? And what rights do we have?

There was a Universal Declaration of human rights after the WW2 atrocities to try and assert the very basic rights that everybody has, regardless of situation.

Sometimes we think of rights in the 'possession' context. We possess certain rights

Even Locke talked about rights by putting them in the context of 'property'. He is quoted as saying; "the reason men enter society is the protection of their property", and by property he doesn't just mean physical objects. He is also talking about a person's rights.

When rights are not seen as a possession, they can be viewed upon as an individual's ability to be able to act in a society.

Hohfeld described 4 types of rights;

I have a *liberty* to do something if I am not prevented by some duty from doing it.

I have a *claim-right* if there is someone else who has a duty to protect something for me. Such rights would include that everybody has a right to be protected by the state, and even from the state. It is the state's duty to protect its citizens, so the citizens claim a right on the protection.

If I have been designated responsibility by the state or the law, then I have a *power*.

If I have *immunity*, then I am free from obligation to submit to the legally assigned power of that territory. Foreign Diplomats have immunity.

There are philosophers who believe and maintain that unless a right is enforceable, then the right is not meaningful. There is no point, for instance, in claiming a right to live a free secure lifestyle in a war zone like Iraq. There is no point in claiming a right to get money back that you have loaned out if there are no measures in place to prevent the person from keeping the loan.

How do we balance the rights of the individual against the common good?

Some liberties and claims should be recognized and enshrined in the law.

As such, cases for changes in the law are often described as an assumed moral right.

- Example would be a terminally ill patient who wants to die. A case could be argued along the lines of rights to life a right to death.

Mill's Harm Principle

LAW

In order to decide what laws the country should have, we must decide on what our goals are.

Different ideologies will have different goals in mind.

Examples:

Liberalism will attempt to maximise the individual's liberty by laying down an individual's private sphere of action that is free from government interference.

In a Theocracy, the goal of government will be to please God. As such, the law will be mainly based on religious text and morality.

On the Conservative left, they believe that it is government's goal to rule society.

They will generally set down laws that aim to maximise a person's Positive Freedom by making legislation which provides peace and security.

One thing to note is that Law and Justice are not synonymous. This means that there may be things in society that are regarded as harmful or unpleasant, but are not illegal in the eyes of the law. For instance, bullying is legal in the eyes of the law unless there is a breach of race, sex or disability laws.

- Sometimes it is difficult to draw the line between 'bullying' and harmless comments. People can take criticism different ways and some will get more upset than others, so where do we know when to interfere?

The laws of different states will clash with justice in different ways. One can make reference to Adolf Hitler's Nazi party with the treatment of the Jews, and Idi Amin's treatment of Ugandan Asians. Robert Mugabe's discrimination against whites recently, and the mid 20th century discrimination against non-whites in the USA are also fine examples.

What are the essential elements of the Law? Should law reflect Morality?

Philosophers disagree on these questions, and there are two sides of the spectrum. On one side, you have the Minimalists; and on the other, you have the Maximalists.

Minimalist Theories

- Law is independent of Morality. We can understand the law without reference to Morality.
- The law is a set of commands that represents the will of the government, or the 'lawmaker'.
- The purpose of the law is to guarantee a minimum state of peace and security, as the State claims a monopoly on all forces of coercion such as the army and the police.
- The power of the law is based on the lawmaker's ability to enforce it. If a law is un-enforceable, then it is meaningless and has no force.
- Citizens are required to obey the law (coercion), otherwise face the appropriate punishments.

Maximalist Theories

- Law is mutually related to morality. How would we know a just law from an unjust law if we didn't look at it from a moral point of view?
- The function of the law is to achieve order so that the common good can be achieved
- The law should also provide the minimum of peace and security. This is the prerequisite for a society of order.
- The law does not represent the 'lawmakers' will, it represents the product of reason which aims to establish an environment in which people can achieve the common good.
- The state can use legislation to 'guide' people into achieving the common good. They can use **directive** legislation which can **persuade** people from doing undesirable things, such as smoking and getting mindlessly drunk. They can also use **coercion** to threaten people with sanction (punishment) if they do commit extremely undesirable offences, such as crime.

It should be noted that the Maximalist and Minimalist theories are not complete opposites. They can both accept ideas from one another without accepting the entire theory.

Liberals will tend to hold the ideal that the law should reflect morality only if the effects are utilitarian sense that they contribute to the general happiness and utility of society. They must also stay within the limits of the Harm Principle, and guarantee a maximisation of a person's liberty.

Conservatives would argue that there are some moral principles which should be basic in the eyes of the law, such as the right to life. Such natural rights should be enshrined in legislation for the benefit of the common good.

Sometimes, undesirable/immoral things may be allowed by the law, but it has been argued by philosophers that immoral people will be dealt with in other ways. In his book *On Liberty*, Mill describes and encourages Natural Penalties, which is the result of an immoral person that abides by the law. The government may not be able to interfere with his immoral actions, but he will have to live with the consequences of society's rejection of him.

Unjust Law

What is a just law?

A fair law is one that is just

An unfair law is one that is unjust

So how do we define what laws are fair and what are unfair? We could define these if we look at law in the following areas;

Who does the law serve? The common good or the interests of the ruler? If the law serves the interests of the ruler while jeopardising the common good, then the law can be said to be unjust.

Who is the law being put forward by? Some philosophers argue, especially the minimalists, that if the law is being proposed by someone who can neither enforce it coercively, or has the legitimacy for people to take it seriously, then the law becomes unjust.

Does the law discriminate? If so, is it a fair and relevant discrimination? There is a law which states that sex offenders cannot work around children, but this is a just law as it justly protects society and the common good. However, if there was a law that stated that ginger people

could not work around children, then this would be an unjust law as the reasons for discrimination are clearly invalid and irrelevant to the job and the common good.

So, if a law turns out to be 'unjust', do we as citizens have a right to disobey it? There are conflicting views to this. Socrates was famous for obeying a law which he believed was unjust. He believed that even though the allegations of 'corrupting Athenian youth' was completely bogus, and even though he had numerous chances to escape from prison, he decided to remain in prison to be executed as he more or less felt he had a duty to obey the law.

When deciding to disobey a law, there are several things that may have to be taken into consideration.

- How probable success is.

- Whether your disobedience will cause more harm than the unjust law.

- How what you do will effect others.

However, some philosophers such as Thomas Hobbes argued that civil disobedience is wrong. He argued;

Everybody who lives under a ruler is at a complete obligation to obey the rules which he sets down.

The ruler is providing security and peace within the state. It may be at expense of some of your liberties, but it is a much better situation than the 'state of nature'.

The only time you would possibly be allowed to disobey the law is if it causes a direct risk to your life and security.

The minimalists also hold a similar view to Hobbes. Since the state claims a monopoly on the use of legitimate coercive force within its territory, then the citizens do not have the legitimacy or power to be able to object to the ruler's law/will.

Liberals are heavily critical of Hobbes. Liberals accept the conflict between society's opinion and the opinion of the state. They say that society should disobey an unjust law, but Liberals put more emphasis on discussing the matter. Only through discussion will the law be seen to be unjust, and a new synthesis can be formed afterwards as a result of the two thesis colliding.

Social Contract theory stresses the need for consent under the law.

Hobbes' version says consent is given through conquest and/or surrender to a ruler.

- Is this really consent? It would seem like the conquered have no choice but to consent...
- Does the generation after the conquered have the right to disobey the law? They haven't consented to anything.
 - Hobbes' may argue that simply by continuing to live within the rulers jurisdiction is enough consent.

Examples of Civil Disobedience from history;

Mahatma Gandhi's 'sit-down' protests for an independent Indian state

Martin Luther King's protests against black segregation in the USA in the 1960's.

Tiananmen Square protests of 1989 where students were massacred by the Chinese communist government for peacefully protesting against the party. All communist opposing views in China were subsequently silenced by the government.

Punishment

When we punish an offender, we are forcibly taking away his freedom. The amount of freedom we take away from his needs to be decided by the state, and begs the following questions;

How should the state decide on appropriate penalties for breaches of the law?

What should we aim to achieve by punishing offenders?

Retribution;

There are two things which make up the crime. The 'guilty mind' and the 'guilty action'. Both of these are required to punish the criminal.

If the criminal intentionally breaks the law, they he will be made to pay for his crimes.

Subscribes to a sense of justice which seeks to get revenge for the victim.

The criminal gets what he deserves, regardless of whether there are any beneficial factors for him or society as a whole.

'Eye-for-an-eye'

- *This idea of retribution only appeals to the baser and cruder feelings associated with justice. 'Revenge' is generally regarded as a very crude response to being harmed and is even exhibited in animals.*
- *What effects does this have on the criminal? The criminal may be likely to commit the crime again once he has been punished. In retributivism, there is no attention to the effects on society or the criminal. The only thing that matters is that the criminal has paid for what he did.*

Deterrence;

The criminal is made an example of.

The punishment will hopefully deter others from committing the same crime under fear of meeting the same consequences.

Public Hanging and Public Humiliation are perfect examples of deterrent punishments.

- *Major criticism is that this form of punishment could be used to justify punishing the innocent, as long as it deters others from committing the same crime.*
- *Critics have argued that punishment as a deterrent simply doesn't work. Reoffending rates also seems to show that some criminals who leave prison seem undeterred to commit further crime in the future.*
- *In some circumstances, deterrence simply won't enter into the equation of a guilty mind. For instance, if Woman's husband cheats on her and she decides to poison his dinner, then the consequences of her actions will not matter to her.*

The protection of society;

If criminals are locked up, then they cannot harm anybody

Protects society from people who are likely to keep on committing crime.

- *The criminals have to be released someday; we can't sweep them under the rug. In the long term, it doesn't work.*
- *Society doesn't need to be protected from certain crimes. For instance, the woman who poisons her husband because he is having an affair is unlikely to commit the same crime again.*

Reformation and Rehabilitation;

Instead of forcing the criminal to act in a certain way, we can try and change their characters into a law-abiding one.

Punishment will serve to change their character so that they will not commit crime again.

Methods such as Anger Management have been shown to effectively reduce the likelihood of reoffending in some criminals.

Sex offenders can be placed into counseling sessions with a Psychiatrist and other offenders to be taught how to control their actions.

- *Criticism that this doesn't work in a lot of cases. Some people, such as paedophiles, cannot be cured of their desires.*
- *Some offenders do not need to be reformed as they are unlikely to commit the same crime again. For instance, there is no point in trying to reform someone who has only committed petty theft.*
- *Even though this has met with some success, the public are not so convinced that this is really justice for the victims of crime.*

AUTHORITY

Power

What is power?

In physics, power is the ability to do work. The overcoming of inertia, the resistance offered by mass to motion.

In politics, Power is the ability to get people, the masses, to do what you want.

The people will offer a resistance, and so the government needs power to overcome this resistance.

How is power exercised?

Persuasion

- Power is exercised by making the masses willingly cooperate.
- They do not cooperate solely for the government; they agree to the action and have their own reasons for cooperating.

Coercion

- Power is exercised through forcing people to act in the way you want them to
- This can be done with the exercise of superior physical force, such as the police or the armed forces.
- Not always necessarily with the consent of the people.

Although these two forms of exercising power are mutually opposed, there are common cases where they both contribute toward the same goal. For example, trade unions 'negotiate' with employers by threatening industrial action. It is disputed as whether this is a persuasive force or a coercive force, as the employer doesn't have any choice but to agree with the unions.

Aristotle evaluated some institutions as better than others. One of the ways he done this was by to decide whether the rule was conducted in the interests of the ruler or the interests of society (common good).

Who would you rather be ruled by? Somebody who shows you why decisions are in your best interests or somebody who forces you to act in a certain way?

To be coerced into action without explanation is to be treated as 'less than human', or effectively like a child.

It is disheartening to some philosophers that people tend to obey and accept the authority of the state without any real reasoning or rationalization as to why they are obeying them in the first place. If I asked an average person "Why do you obey the prime minister?", he may very well reply back with "Because he is the prime minister!"

Philosophers such as Kant and Rousseau have stress the importance of obeying the rules you set for yourself. One is free to create their own law, so it is a shame to waste this faculty by blindly obeying an authority without question.

Mill argues in *On Liberty* that one should strive to develop his own individuality and not blindly follow the rules of custom. Uncustomary things allow us to see what is fit for custom.

- Does Mill not contradict himself? Encouraging unc customary things to see what is fit for custom...

Conservatives may argue that law is the memory of the solutions to problems of the pasts, and the solutions that worked in the past may very well work in the future.

What worked before can work again

- Not always necessarily the case. The political and social situations in the past are clearly very different to what they are now, so previous solutions may no longer be applicable.

Authority is a convenient social mechanism for getting things done quickly and efficiently.

It also allows for the accumulated experience of the community to be used when it is dealing with problems.

However, authority short-circuits all argument and endangers innovation.

It is a threat to an individual's liberty as it suspends their own judgement in favour of established procedures.

Legitimacy

What is the Legitimacy of an authority?

Legitimacy is how well the authority is able to account for being accepted as an authority. I.e., why should we accept it as an authority?

Max Weber defined the 3 main points which contribute to the legitimacy of a power;

Rational-legal: Some would say that this is the authority that we are used to, as the state justifies itself on legal grounds and codified law.

- Legitimacy is earned through arguing putting points across in a relevant and rational way. Usually, the most legitimate would be the party that can put forward the most compelling argument.

Traditional: Authority is inherited. Such a case would be a Monarchy which passes down power from heir to heir.

Charismatic: The leader would be able to put his points forward in a very precise and maybe even charming way. Some may argue that there is an element of this type of authority in our government.

- Would not generally be regarded as truly legitimate, as the basis of the legitimate factor would be purely the leaders own personality. We should avoid assuming that a leader knows best when all we like about him is the way he puts his ideas across.

Obligation

On what grounds can the government legitimately account for our obligation to obey their laws?

Consent of the governed

- A view taken by the Liberals. Consent is central to obligation, and people are only bound by the obligations which they have freely taken on. The government has no right to manufacture a Social Contract theory without the official consent of society.
- Anarchists take this further and argue that nobody has any obligation to obey an authority, as there is no opportunity for them to ever agree to such.
 - *Consent is given within the act of remaining in the jurisdiction of the authority. If you remain, then you are enjoying the benefits of that authority, and thus consenting to it's rule.*
- Marxists would argue that consent of the people is manufactured by the state when the proletariat rises up and seizes the means of production from the bourgeoisie.

Hobbes' account of obligation is that the consent comes from a treaty, or non-aggression pact created after a successful conquest.

- By agreeing not to show aggression to the new state, you are accepting their authority.
- There is a total obligation to obey the conquerors rule. Under Hobbes' account, there is no room for criticising the legislator as you have consented to whatever law he may want to impose.
 - *This may not account for all generations. Do the people of a subsequent generation to the conquered have a right to object to the ruler? They haven't consented to anything, especially if they do not have the resources to move out of the states control.*

Achievement of the General Will

-