



# People in the English Legal System

Law A level (Online Learning College)

## People in the English Legal System

### 01. The Nature of Law - Justice

#### Activity:

*Look up some other theories of justice. There are an awful lot of them!  
Construct a table breaking down the key elements of the theories you find.*

#### Expected Content:

*There are quite literally dozens of potential answers here! Some ideas could include:*

- *Social contract theory (Hobbes, Locke, Rousseau)*
- *Natural law theory (Aristotle, Aquinas)*
- *Socialist/Distributist theory (Marx, Owen, Proudhon, Belloc)*

*Aristotle: (Explain justice as a virtue)*

- *Identifies **good of others as an end alone.***
- *Bonds **all virtues '...every virtue is summed up.'***
- *Interested with **fairness.***

#### **Introduction**

*Thomas Hobbes (1588 1679) and John Locke (1632 1704) developed their political theories at a time of religious, political and social upheaval in England. They were archetypal enlightenment figures well acquainted with the scientific and philosophical concerns of their time. Hobbes was classically educated but later in life became interested in scientific thought and metaphysics. Locke was a physician and a member of the Royal Society. They shared the enlightenment view of the world. For them God was the first cause but their scientific understanding of cause and effect shaped their view, not just of physical objects in the natural world and how they interacted but also of individuals and how they interacted in society.*

*Locke published Two Treatises of Government in 1690 "to justify" the struggle of 1640 1660 and the revolution of 1688. It was a time a great political turmoil. The certainty and stability that had been provided by the divine authority of the monarch had been removed. With the removal of government legitimised by the church and by God a return to stability required the creation of new certainties. Hobbes and Locke were both making social, political and religious statements as a result of the Puritan uprising and civil war. More importantly they were intending to formulate forms of government that had intellectual integrity and gave legitimacy to the political structure after revolution and the removal of the old order. Using scientific methods, they each argued from their understanding of the first principals of human interaction and both came to powerful rational conclusions. To develop their theories of government they started with man in his original condition, or "the state of nature". Where they differed was in their assumptions about the nature of*

*ungoverned human interaction and behaviour. Starting from their very different assumptions as to the "state of nature" they came to different conclusions and provided different prescriptions for the government of society.*

### **The Social Contract**

*Prior to the civil war in England government was theocratic. This saw kings as divinely appointed and their subjects as divinely commanded to obey them. Government was held to be of God rather than a human contrivance. There was a "contract of subjection" theory which held that the ruler should provide justice and protection for his subjects in return for their obedience. James 1, King of England (1603 –25), in his True Law of Free Monarchies admits that the king ought to behave honourably but that if he did not and broke his side of their contract that did not release his subjects from obedience.*

*The enlightenment, the period from the mid seventeenth century to the end of the eighteenth century, saw a move away from theological or religious based thinking to inquiry founded on scientific reasoning. The enlightenment saw the development of social contract theory of which Hobbes and Locke were the principal exponents. The theory of social contract is essentially a morally justified agreement made amongst individuals through which an organised society is brought into existence. It is used as a means of demonstrating the value of government, the grounds for political obligation and authority over a particular geographical area. The classic form of social contract theory suggests that there is a stateless society from which individual's wish to escape by entering into a social contract. The social contract obliges citizens to respect and obey the state, in exchange for stability and security that only a system of political rule can provide. The social contract theories of Hobbes and Locke start from the concept of man in a primitive state without political authority or formal checks on the behaviour of individuals. They considered that such a stateless autonomous condition could not prevail if man was to move beyond a primitive existence. This could only be achieved if man could be guided by natural law that would lead them to a developed social and political life. Hobbes and Locke argued that the state had arisen out of a voluntary agreement, or social contract, made by individuals who recognised that only the establishment of sovereign power could safeguard them from the insecurity of the state of nature.*

*Natural law theory paralleled the mechanistic scientific theories successfully demonstrated by enlightenment figures such as Galileo and Newton. Natural law theory held that there were immutable principals of law that existed as part of the natural world that define what is right, just and good for man. These principals were discoverable by the use of reason and all men were subject to these laws. States or other sovereign entities could only have validity and legitimacy if their laws were consistent with these natural laws.*

*The view that man in the state of nature had constructed the state for his own security was not new but had been resisted by the church in favour of divine authority. The Canons of the Church of England, drafted in 1606, stated "If any man shall affirm... that men at first ran up and down as wild creatures ... acknowledging no superiority one over another until they were taught by experience the necessity of government; ... and that consequently all civil power ... is deduced from their consents naturally ... and is not God's ordinance...; he doth greatly err."*

*The revolution in England had seen the end of the rule by divine right. The state could now be regarded as a social structure crafted by man, rather than a condition of man ordained by God. As an artefact it could be studied and improved. Hobbes, Locke and others were free to consider the development of political structure from the starting point of man in the state of nature. Hobbes in 'Leviathan' stated the case for absolute sovereignty, while Locke in 'Second Treatises of Government' argued the defence of parliamentary government and a limited liberal state.*

## **Thomas Hobbes**

*Perhaps because he was witness to the Puritan revolution, Hobbes feared man's anarchical and violent nature. In Leviathan he wrote "It may peradventure be thought, that there never was such a time, or condition of war such as this; ... what manner of life there would be were there no common power to fear, by the manner of life, which men have formally lived under a peaceful government, use to degenerate into, in a civil war." Hobbes took the view that man was fundamentally vicious so could expect to live in a state of continual war of "every man against every man." Living in constant conflict and fear the development of a civil society with industry or culture would be impossible. The life of man would be "solitary, poor, nasty, brutish and short." This was not necessarily the view Hobbes held of history but it was the logical starting point that he assumed and from which he developed his structure for a safe civil society.*

*For Hobbes self-preservation was a natural law and man's most urgent instinct. Having the ability to kill one another meant that man in nature would be in a state of continual insecurity. To escape this intolerable situation, rational, self-interested, natural men would agree together to surrender their wild independence. Desiring peace and security they would, by mutual consent, appoint a ruler over them all. The ruler would guarantee their collective defence and their personal security and in return they would obey his laws and give him their complete obedience.*

*Hobbes conceived the state as an artificial creature. "For by art is created the great Leviathan called a Commonwealth or State... which is but artificial man; though of greater stature and strength than the natural for whose protection and defence it was intended."*

*In the Leviathan State the sovereign would have the right to make any laws he saw fit. The only responsibility of the sovereign was to defend the state and keep the peace. There was no contract between the sovereign and those who appointed him. The only contract was the agreement between the people to appoint somebody they would obey.*

*Hobbes created a ruler with absolute authority, who was irrevocably handed the power to enforce unity and obedience. To preserve his own life each citizen must give absolute and unconditional obedience to the sovereign and his laws and so in the Leviathan State the social contract justifies authoritarian government.*

*Hobbes model of social contract argued rebellion was not justifiable.*

*The purpose of the Leviathan commonwealth is to uphold the natural law of self-preservation is the beginning of the concept of natural rights. This is the concept that man may make certain legitimate demands on his fellow men.*

*The role of the Leviathan State is limited to protecting its citizens. Apart from the duty of the state to prevent conflict most other forms of intervention into the affairs of men are unjustifiable. This is Hobbes liberalism.*

*Hobbes great accomplishment was to make government a subject for rational analysis.*

## **John Locke (Hobbes and Locke)**

*While, Lock did not have the such a dim view of the world as Hobbes This is probably due to the fact that he lived in a time of comparative peace.*

*Lock unlike Hobbes was a believer in the separation of powers (division of the state into legislative, executive and judicial branches).*

*Lock did not accept that absolute monarchy was the best structure for a state or the best way to govern a society. Rather Locke believed in the supremacy of the legislature over the monarchy.*

*Locke was however in agreement with Hobbes on the social contract. Locke said that the proper role of a government was to act as a commonwealth of men guided by the 'eternal' law of nature to preserve the life, liberty and estate of the members of society.*

*Nature did not necessarily protect property so it was for man to make such laws. Property rights could only be claimed once a man had mixed his labour with nature – this was part of the law of nature for Locke (notes)*

*Locke thought that men were in a social contract with their sovereign for the protection of three inalienable natural rights of 'life, liberty and estate' which were given by God. He identified a fourth right – the right to rebel against unjust laws and their makers. (The right to with draw obedience is a group and individual right).*

## **Conclusion**

*Thomas Hobbes concept of the social contract is the enduring contribution to legal and political philosophy.*

*"Hobbes own goal was to rule out the legitimacy of civil rebellion and thus to eliminate the possibility of civil war; which he regarded as the greatest of evils.*

*Hobbes believed that in the absence of a state, human beings would react to each other with great savagery. He believed that all humans had equal ability to kill one and other creating a constant state of insecurity. As a result, they would seek law and order for their own protection. They would all agree to place someone in authority to tell them what to do. Hobbes suggested that a number of people would appoint a king for the sole purpose of giving orders and preventing constant turmoil. He argued the only way to achieve this is by removing the individual's power and bestow it upon one man. As a consequence, the king has an absolute right to make whatever laws he wants, he owes no responsibility to the individual other than to keep the peace. In effect Hobbs was setting up an absolute authority free of any contractual or natural law restraint entrusting all power to the ruler to enforce unity obedience.*

*John Locke (1634 – 1704)*

*For Locke the state of nature that preceded the social contract was not as Hobbs envisaged but one of a golden age an Eden before the fall.*

### [Social Contract Theory | Ethics Defined](#)



## *Social Contract Theory*

*Social contract theory says that people live together in society in accordance with an agreement that establishes moral and political rules of behaviour. Some people believe that if we live according to a social contract, we can live morally by our own choice and not because a divine being requires it.*

*Over the centuries, philosophers as far back as Socrates have tried to describe the ideal social contract, and to explain how existing social contracts have evolved. Philosopher Stuart Rachels suggests that morality is the set of rules governing behaviour that rational people accept, on the condition that others accept them too.*

*Social contracts can be explicit, such as laws, or implicit, such as raising one's hand in class to speak. The U.S. Constitution is often cited as an explicit example of part of America's social contract. It sets out what the government can and cannot do. People who choose to live in America agree to be governed by the moral and political obligations outlined in the Constitution's social contract.*

*Indeed, regardless of whether social contracts are explicit or implicit, they provide a valuable framework for harmony in society.*

### [Social Contract Theory](#)





*John Locke's model of distributive justice is a version of social contract theory. To understand his model therefore, we have to understand the nature of a social contract theory. The first person to advise such a theory probably was Thomas Hobbes in Leviathan. Hobbes developed one which was based on the idea that in the state of nature without government authority we would face a very hard time. Life would be solitary, poor, nasty, brutish, and short, why? because such a condition would be a war of all against all. We would have no security whatever and he says you think I'm too mean in my perspective on human beings, too negative.*

*Well, just think about the fact that you lock your doors, you watch and try to be careful, especially when you're in crowds or when you're in a dark or dangerous area. He says you think the same about humans that I do, if there were no police, if there was no law, no possible punishment for offenders it would be chaos and our lives would be in danger all the time. So, he says we would agree to form a government to try to get us out of that chaotic, very dangerous state of nature.*

*The key idea behind any social contract theory is that government authority is legitimate, if people would voluntarily submit to it. The question of government authority and of political legitimacy in general is a difficult sort of question. After all, the government has immense power over you. It can tax you; it can fine you it can imprison you, it may under certain circumstances even put you to death.*

*So, the government has awesome power over its citizens, what makes that legitimate, why is that any different from people being simply attacked by someone else. Well, we tend to think of political authority as legitimate but why? After all some governments lose legitimacy and then people no longer think of those exercises of authority as things that ought to be respected. So, what is it that makes government authority legitimate. Hobbes says it's that we would agree to live under government, we would agree to submit to that authority rather than face the alternative.*

*So, any social contract theory says authority can be legitimate, if people would voluntarily submit to it, given the choice and that means that any social contract theory contrasts a situation where there is political authority, with a situation where there isn't. That situation where there is no political authority no government of any kind is: the state of nature. So, there will be an account of the state of nature, what things would be like if there were no government authority and then there will be some account of political authority, what it's like to live under government or what it could at any rate be like. The first part of any social contract theory then is to describe that choice, what would the state of nature be, what would a state of political authority be like, and what are the conditions under which we would make that choice.*

*Now, we're not thinking here about what people historically do choose. Some political authorities are really based on a contract like the mayflower compact for example, others are not, and so we don't want to generalize and say governments always have to start with a contract, many don't start that way, but we do want to think about an abstract situation, to some extent an idealized situation, in which a fully rational knowledgeable person would make a choice between the state of nature and political authority. After all, it's not going to justify that political authority if we say "Well, a bunch of people who are badly misled and kind of confused and not very rational would choose it." Yeah fine, all sorts of crazy people and deluded people might choose all sorts of things. The question is what a fully rational knowledgeable person would choose, given accurate information about all of that. So, we've got to think about an idealized circumstance of choice.*

*The second component of the theory then will be some criteria. What will people choose on the basis of, how will they make that choice. Presumably, they'll have some criteria, maybe as Hobbes thinks they'll be concerned mostly with their own self-interest and their own safety. Other people have different answers, but we have to say something about how people will make*



*the choice. What principles they will use, what criteria they will use for deciding which is better: the state of nature or submission to political authority.*

*The third component of the theory will be principles that people would adopt. They might agree indeed to leave this state of nature and create a political authority, but presumably it's not a blank check. Well, Hobbes thought it was pretty much a blank check and in some ways Rousseau does too. But most social contract theorists have said we would agree to set up certain principles and we would submit to authority under certain conditions, with the power of that authority limited in certain ways. So, it's not an unconditional thing. Usually, we're going to say, "Yes we would create a political authority of the following kind and we would lay down certain principles that we would expect the institutions of our society and specifically the political institutions to embody."*

*So, those are the three basic components. A key element of this is to think in the trade, giving up the state of nature for political authority we could think of the principles in terms of what people are willing to give up and what they expect to gain. We might think look, here is a contract and like any promise I promise to do this for you, you promise to do that for me let's say, if we've got a contractual relationship. Well, in effect we're creating through the social contract, a political authority and we can ask what are we giving up to the political authority and then what do we gain. Just as i might agree to hire someone to build my deck and I give them a certain amount of money they give me a completed deck. So, similarly here we give up something to the political authority and we get something back what is that? That will determine the terms of the contract.*

[Contractarianism: Crash Course Philosophy #37](#)



## **Hobbes and Contractarianism**

*Imagine, a world without rules, nothing is illegal, nothing is immoral. Everybody is absolutely free. This might sound like a utopia to you, but according to the 17<sup>th</sup> century British philosopher, Thomas Hobbes, it would actually be your worst nightmare.*

**Hobbes called this hypothetical time with no rules to govern our behaviour, the state of nature, and he described life there as “solitary, poor nasty, brutish, and short.”**

*The land of do – as – you – please, sounds great – until you realise that everyone else is also doing as they please. That’s when you find out that you have an abundance of freedom, but you do not have any security. Because, when everyone is constantly watching their back, whoever is the biggest bully will be able to dominate, simply by fear and aggression. Even if you happen to be the biggest bully, life’s not going to be any better, because when enough weaker bullies get together even the strongest can be overthrown. So, this type of system – a sort of anti – system, without rules and without order – is a terrible way to live. Hobbes pointed out that rational people would want to change the system. They’d trade some of their natural freedoms, in exchange for the security offered by civil society. The key to saving the world from chaos, he said, was a contract.*

*Hobbes didn’t think there was anything deeply real about morality. It’s not written in the stars, or waiting to be discovered by reason, or handed to us on stone tablets by the divine. Morality, he believed is not primitive or natural. Instead, Hobbes proposed, anytime you get a group of free, self – interested, rational individuals living together, morality will just emerge.*

**Free, rational, self – interested people realise that there are more benefits to be found in cooperating than in not cooperating.**

*Like, say I have an avocado tree growing outside of my house. I consider it mine, and I can take all the avocados I want from it. You have a mango tree, and you can take all the mangoes you want. But sometimes avocado haver's grow tired of avocados, and mango haver's grown tired of mangoes.*

**Sometimes you just really want a mango smoothie. And in the state of nature, where there are no rules – the only way for me to get a mango is to steal it. And same goes for you and my avocados.**

*So, we found ourselves living in a world where we steal from each other, which means that both of us are always on edge, and we see each other as enemies. But remember, we're rational, so we find a better way. We make an agreement. We promise not to steal from each other, and we promise to trade avocados for mangos. Now, we have more security and a more interesting diet. What we have created is a contract – a shared agreement – and suddenly, morality is born. This view, espoused by Hobbes and followed by many today, is known as contractarianism. Contractarians say that right acts are those that do not violate the free, rational agreements that we've made.*

**Right acts are those that do not violate the free, rational agreements that we've made.**

*We make these agreements because we think they'll make our lives better. So, basically, we trade in some freedom for the benefits that come out of cooperate living. Avocado-for-mango contracts are pretty straightforward. We both want something, and we make an explicit contract that we both believe will result in us being better off. But some contracts aren't so obvious. We're also bound up in a lot of implicit contracts – ones that we've never actually agreed to, but sort of find ourselves in.*

### **Implicit Contracts**

**Contracts that we never actually agreed to, but just sort of find ourselves in.**

**Natural born citizens of the United States never agreed to follow the law of the land.**

**Immigrants who become citizens do they have to engage in an explicit contracts as part of the citizenship process.**

*But the rest of us, we are expected to follow all sorts of rules that we never agreed to follow. Now, if you try to explain to the cop who pulled you over that you never agreed to the speed limit so you're not bound to follow it, well, I'm pretty sure you're going to get a ticket anyway. And that might seem really unfair to you. But contractarians will tell you that it's not. Because you reap all kinds of benefits from being a part of this system. You get to drive on safe roads, drink clean water, and if your house catches on fire, people will show up and do their best to put it out.*

**Rights imply obligations, so when you take from the common pot – by enjoying the goods that the – you're also expected to pay in.**

*That's what happens when you pay taxes, and when you show up for jury duty, and when you accept the punishment for violating the rules – even rules that you disagree with.*

*So, contracts are a pretty brilliant way for making society not just survivable, but possible. They save you from a situation that Hobbes described as a “war of all against all,” and puts you in this idyllic land where everyone cooperates. But can you really count on cooperation?*

*In the 1950s, Canadian mathematician Albert W. Tucker formalized an idea that had originally been posed by American game – theorists Merrill Flood and Melvin Dresher. Since then, many versions of this dilemma have been presented. But Tucker's scenario goes like this: **You and your partner in crime are both arrested and put in separate rooms for interrogation. The prosecution doesn't have enough evidence to convict you for your main offense. The best they can hope for is to give you each a year in prison on a lesser charge. So, the prosecution offers you each, a deal: If you rat out your partner, they'll let you go free. But now you and your partner face a dilemma. If you both remain silent, you know, you won't get any more than a year in prison. But if you're enticed by the thought of doing no time at all – all you have to do is squeal, and you'll go free while your partner does three years. The problem is, enticed as you are by the offer, you know that your partner is thinking the same thing. And if you each give up the other, then the prosecution will have enough evidence to send you both away for two years. So, now you think, no, it's better to stay silent. That way. You'll only get one year – as long as you can count on your partner to reason the same way. But what if he doesn't? What if you stay quiet and your partner's the rat? Well, that means you're doing three long years, while he gets away Scot – free. Facing that unpleasant prospect, if you're both rational agents, you'll be drawn to the conclusion that looking out for yourself is the best option, because it carries with it the prospect of either zero or two years, rather than the one or three years that you might get if you stay silent.***

*The Prisoner's Dilemma shows us some interesting wrinkles in contractarianism. Even though it was rational for both prisoners to squeal, they'd actually have been better off if they could count on each other to stay quiet. Cooperation pays, but only when you trust your fellow contractors to keep their agreements. This is why a lot of defection occurs among strangers.*

## **Defection**

**When you break the contract, you're in – whether you agreed to be in it or not – and you decide to look after your own interests, instead of cooperating.**

*For example, the next time you're driving during rush hour, you'll see rampant defection. Instead of following the rules, waiting their turn, and merging when they're supposed to, people will speed down the shoulders and try to sneak up to the head of the merge lane – which ends up slowing down everybody. But you see much less defection among people who know each other, because when you flagrantly violate a contract among people you know, it comes with a heavy social cost.*

**There's a special kind of more outrage for someone who freely makes an agreement they didn't make, and then violates it, because, our whole society is built on the trust that people will keep their word.**

*But, there's another important part of this theory – one we haven't mentioned yet. And that is: In order for a contract to be valid, the contractors must be free.*

**You can't force someone into a contract, and the contractors must be better off in the system that the contract makes possible, then they would be outside of it.**

**There are probably some rules that don't work in your favour all the time, but the system, overall, must make your life better than if you were on your own.**

*So, contractarianism necessarily rules out things like slavery. Any given person will always be better off outside a system that enslaves her, so that type of system could never be legitimate, even if it's agreed upon by the majority of the group. And maybe you've noticed something else about this moral theory – something that's distinct from say, the divine command theory, or Kantianism, or even utilitarianism. With contractarianism, there is no morality until we make it up.*

**There's nothing fundamentally "real" about it. But it becomes real as soon as you and I agree that it is, because once we agree to particular rules, they become real and binding.**

*So, in a way, contractarianism is the most permissive of the moral theories we've looked at. Morality is determined by groups of contractors so whatever they agree to, goes. Which means, of course, morality can change.*



If, as a group, we change our minds, we can simply modify the contract, which is exactly what happens, explicitly, when we change laws, and implicitly, with shifting social mores.

*But contractarianism is still pretty rigid in some ways. If you take on an obligation, you have a duty to keep it. This theory starts with the assumption that we get to choose what responsibilities we incur, so we're all held to a high standard for keeping the agreements we choose to make.*

<https://www.britannica.com/topic/social-contract>

<https://study.com/learn/lesson/social-contract-theory-examples.html>

## Social Contract in the Enlightenment

The concept of the **social contract** was first developed during the Enlightenment, a seventeenth-century philosophical and political movement in Europe. A social contract is not a physical contract but an agreement between individuals to live peacefully, respect one another's rights, and obey the laws of the country or community. The social contract is the basis of society and perceives nature as brutal and dangerous. *Who created the concept of a social contract?* Philosophers like Thomas Hobbes, John Locke, and Jean-Jacques Rousseau developed political theories about the origin and function of human societies that continue to influence the way historians and political scientists perceive and analyse society.

Seventeenth-century social contract theorists believed that all humans are born with rights: the right to live, the right to make judgments, the right to secure and protect property, and the right to pursue happiness. In theory, before human beings agree to a social contract, they are in a **state of nature**, or a state in which they have no protections from or obligations to society. While all philosophers had different explanations for *why* human beings agree to social contracts, they all agreed that humans agree to give up *some* (not all) of their rights to enjoy the protection, comforts, and developments a society offers.

## Social Contract Examples

These philosophers' specific contract theories differed based on their perception of human nature, whether they believed it was naturally good, evil, or neutral, and whether society would help or hinder human nature. Below details the philosophers' ideas and theories surrounding the social contract.

***The Enlightenment believed that logic and learning would improve human life.***

***A social contract is an unspoken agreement between individuals to form a society.***

## Thomas Hobbes

Thomas Hobbes was a seventeenth-century philosopher. Hobbes drew on many ancient concepts from philosophers such as Socrates and Plato and developed many



of his own ideas about society, what pushes human beings to abide by legal and social boundaries, and, more importantly, why human beings can become violent selfish. Hobbes's social contract theory was deeply influenced by his observations of the English Civil War, a brutal conflict that ultimately ended with the execution of King Charles I of England. Many historians believe that Hobbes's perception of human nature as inherently evil stems from his observations during the war.

Hobbes believed that human beings retained basic rights in a state of nature, foremost of which is the right to preserve one's own life. Sometimes the right to self-preservation while in a state of nature is relatively benign and does not infringe on others' safety. For instance, if a man judges that he must gather and eat all the potatoes in a given square mile to survive, he has the right to do so. However, Hobbes took his logic even farther and argued that if a man judges that he must kill another person to safeguard his survival, he retains the right to do so in a state of nature. He recognized that humans, whom he conceived as naturally evil, would be prone to commit horrible acts of violence in such a state of anarchy. Hobbes is famously quoted saying that life would be "solitary, poor, nasty, brutish, and short" without a social contract. Within this social contract, human beings give up the right to judge whether they should engage in violence to protect themselves and instead hand that right of judgment over to society. Society selects individuals, such as judges and juries, to pass judgment and ensure the survival of its citizens.

### **Definition of Social Contract Theory**

You're likely already familiar with the concept of contracts. Marriage, citizenship, and employment are all forms of contracts. Put simply, a contract is an agreement between two parties. If one party violates the terms of the agreement, the contract is no longer valid.

Societies are controlled by governments. This is the starting point for discussing **social contract theory**. Thinkers who believe in this theory argue that people benefit from living together in countries, kingdoms, or under other types of governmental oversight. Living in society, however, requires rules and laws. Societies are the result of compromises, and **social contracts** provide the framework for how people and governments interact.

Individuals who live within a social structure gain protection from outsiders who may seek to harm them. In return, they must give up certain freedoms (like the ability to commit crimes without being punished), and they should contribute to making society stable, wealthy, and happy.

### **Enlightenment Thinkers**

The idea of a social contract has a long history dating as far back as Ancient Mesopotamia. However, it was not until the **Enlightenment** of the 17th and 18th centuries that social contract theory gained widespread attention from philosophers and historians. The Enlightenment was a time when intellectuals began to question established views relating to religion, science, economics, and government.

Social contract theory challenged both the moral and political elements of traditional sources of power in Europe. In fact, morality and politics were seen as linked. Rulers were to govern fairly, and people were supposed to help improve societies.

Three Enlightenment thinkers are usually credited with establishing a standard view of social contract theory: Thomas Hobbes, John Locke, and Jean-Jacques Rousseau. They each had different interpretations of social contracts, but the underlying idea was similar.

## Thomas Hobbes

**Thomas Hobbes** held a dark view of humans, which was likely influenced by the chaotic political events he witnessed in England during his life. Hobbes believed that in nature, individuals had to do whatever was necessary to survive. But he also believed that people were still likely to fight with each other for three reasons: competition, distrust, and glory.

Hobbes proposed that competition naturally occurs when two people both desire a scarce commodity. This competition leads each person to attempt to destroy or subdue the other, which in turn leads to distrust and pre-emptive strikes against perceived enemies. Hobbes also viewed humans as vain and eager for glory, and believed that this natural tendency leads them to dominate others and demand their respect.

Therefore, a contract was necessary. In Hobbes' view of the social contract, people were not capable of living in a democratic society. A powerful, single ruler was needed. If everyone did his or her part, society could function relatively smoothly. Given his view of human nature, Hobbes concluded that it was both natural and rational for people to give up some liberty, or mutually exchange some rights, to get the security that came with a social contract.

Thomas Hobbes, the 17th-century English philosopher, held a dark view of human nature.

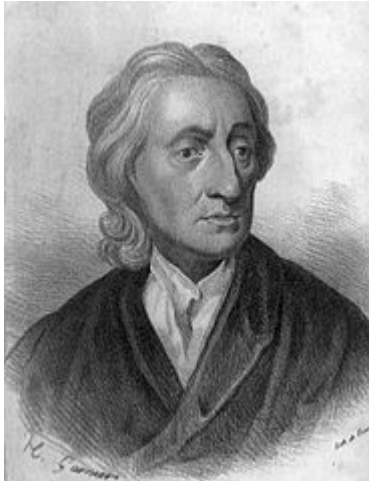


## John Locke

You are likely familiar with **John Locke's** philosophy without even realizing it. His ideas are expressed in the American *Declaration of Independence*. He argued that people deserve life, liberty, and property. This trio forms an essential part of social

contracts. Governments need to protect individuals' lives, ensure they are free to prosper, and enforce a system of laws that rewards efforts to improve society economically.

John Locke, an American philosopher, argued that the government should insure the protection of people



Locke's **contractual theory of government** outlines his ideal for a modern society. People had to willingly do things like pay taxes and serve in the military, but in return, the government had to listen to their desires and provide for their needs. Locke challenged the idea that a king was to rule unquestioned. Kings might still rule, but the people had a say in how they went about doing so. For Locke, governments were created to ensure that wealth and property were protected. In a primitive state of nature, this would be impossible. Dangerous competition would be the norm and a cooperative society could not exist.

For Locke, government exists to protect natural rights and the contract formed between the government and the people. It has a responsibility to uphold its side of the contract, and if it fails to do so by devolving into tyranny, then people have the right to resist authority, dissolve the social contract, and create a new political society.

## **Jean-Jacques Rousseau**

Unlike Hobbes, **Jean-Jacques Rousseau** did not believe that man's state of nature is war. He thought the state of nature was free and happy. The problem was that this original state has been altered by a reign of inequality that dished out dependency, violence, and unhappiness.

[\*The Social Contract - Thomas Hobbes & John Locke\*](#)



### The Social Contract - Thomas Hobbes & John Locke

*Thomas Hobbes was a 17th century philosopher who contributed greatly to the subject of political philosophy. During the later years of his life, he lived through the English civil war, living among such brutality watching the changing of the country parliamentarians fighting royalists and the ensuing chaos that would follow it really made Hobbes question the nature of the state what is government and how did it come to be. In his book Leviathan, Hobbes looks at the earliest years of human development before society, before civilization and of course before government. Hobbes refers to this as the state of nature. Hobbes was very critical and pessimistic about the state of nature. This state was a time with no laws and no rulers. In a way complete freedom for every human. However, living in such a state Hobbes argued was complete chaos and something we would definitely want to avoid as it would offer no long-term benefits for humankind. Without rulers and laws humans were free to be as savage and as brutal as possible it would be a life of brute violence. There would be no safety, no security or trust and as such partnerships, growth and civilizations would not develop. There would be no industry, no commerce, no culture, no arts, no knowledge and no sociable or civilized life. Each day would just be a battle to survive, and as Hobbes claims continual fear and danger of violent death and the life of man solitary, poor, nasty, brutish and short.*

*As you can see most rational humans would not want to live in this type of world. Hobbes believed humans were self-interested, so they would want what was best for themselves and also humans were rational beings so, they would strive to create an environment that took them out of this state of nature. This is where rulers and governments would need to be created. Hobbes did not believe in the divine right of kings whereby God has created certain mental rule. In fact, Hobbes believed that it was the human beings as a collective who decides the rulers. This collective is the social*

*contract humans get together with a mutual interest to create a better life than the state of nature.*

*First, people will give up their complete freedom. They will give up their complete freedom in order to live together in peace and stability. They will create rules and common laws that all must follow.*

*Secondly, they will hand over complete power to a person or a group of people to enforce these laws this is the sovereign; the authority that makes sure the social contract is followed. The role of the sovereign is to ensure there is peace and stability in the society and they have unlimited power to make sure this remains. The rulers then, can do whatever they want, whatever they need to do in order to maintain the peace and safety for the population. This is the social contract: we collectively agree to follow laws and rules and we give unlimited power to the sovereign to make sure we all follow them we can never limit the power of the sovereign and we can never try to fight against them, so long as they are fulfilling their part of the social contract and maintaining a safe environment, free from chaos and from the state of nature. Remember all that stands between humans and that chaotic brutal life is the sovereign and so they must always remain all-powerful all the time.*

*Automatically, I feel uncomfortable with the idea of having a ruler with unlimited power. We know the phrase absolute power corrupts absolutely, and the idea of having let's say an evil or unhinged person with absolute power is frightening. This can very well lead to an unhappy even depressed population having to put up with a crazy tyrant. Of course, Hobbes social contract is not perfect but no political system ever is. There will be inconveniences or at least there will be times of inconvenience depending on who the sovereign is. However, Hobbes would argue that this is a small price to pay for completely escaping the brutal state of nature. This was necessary in order to avoid living in horrible awful conditions where every day is a violent struggle and life would never improve.*

*I am not convinced I would argue that the wrong sovereign with unlimited power can in fact create a state that resembles the state of nature. Hobbes has described this is definitely not outside the realm of possibility we can easily imagine a brutal violent dictator that has unlimited power and starts inflicting terror on the population or parts of the population. This has happened so many times. You have evil rulers who have destroyed their societies through thoughtless acts of war. You have had stupid rulers who have destroyed economies and commerce I cannot see how giving one person or a small group of people unlimited power can be sustainable because we are talking about a long-term system. Sure, there may be times where there are inept or bad rulers but there will be times where there are great heroic and intelligent rulers so the system is there all the time. It allows for the good, the mediocre and at times the bad but the state of nature is constant. The brutish environment is everlasting and we cannot ever get out of that state we cannot improve unless we create the social contract.*



*Well, I think Hobbes may have been a bit hyperbolic when explaining the state of nature, it can be argued that humans are not necessarily that brutish and violent in nature. Hobbes has basically said either we are all completely free in chaos and we will be fighting and killing each other forever or we give complete and unlimited power to one person to stop us killing each other, but also that one person can control every aspect of our existence. Surely, there is something else. This cannot be the only two states of existence for human beings.*

*Now I want to move on to John Locke's ideas on the social contract. Now, in two treaties on government Locke explains that he too sees humans starting at the state of nature, but he did not have the very dark morbid view that Hobbes had. Locke agreed that the state of nature was complete freedom for human beings. This liberty to act and live how one pleases. However, this did not mean we could do anything we wanted and every act was permissible. We must remember although there were no rulers this did not mean there was no morality. Locke believed humans were still bound by natural law and using our rational faculties we can see that we have natural rights. Locke described these natural rights as life liberty and property. So, basically, we cannot kill or harm each other, we cannot enslave or force each other to act and we cannot steal from each other. These were the three natural rights all humans had. We were all born and created equally with these three rights. I see of course in the state of nature there is no authority to protect these natural rights or to judge if any of the rights are being violated and so here is where the population makes a social contract, we grant limited powers to a government to make sure that these three natural rights are being preserved. The role of the government is to judge whether any of these rights have been violated for an individual and to punish anyone who violates another's natural rights. Now, we may give up some freedoms in order to preserve our natural rights we do give power to a government in order to help protect our natural rights and act as an impartial judge equal and fair to everyone. This would all be in the pursuit of liberty and justice for all. This is done only with the consent of the people. We make this contract with the government. We the people give the consent for them to have the power to punish us providing our natural rights are being safeguarded.*

*So, we can see the main difference between Locke and Hobbes, is that Locke did not advocate for unlimited power of the sovereign, Locke did not believe the government should have absolute control and rule over the people. The government was only there to protect our natural rights and nothing more. Should the people ever feel like the government is not fulfilling their part of the contract Locke believed it should be permissible and in fact necessary that the people overthrow the government and expel the existing rulers. Should the leaders become inept or thoughtless in their laws the people must repel the authority. This was after all a contract, an agreement that both entities needed to make good upon. If the current rulers could not fulfil their promise the people should be able to get them out of office and bring in new rulers. This is where liberalism as a political philosophy started to develop the idea that human beings should be free to live however, they like providing they do not violate anyone's natural rights. Human beings should be free to live how they want, love who they want,*



worship what they want, without any interference from the government. We see Locke's theory prominent in liberal democracies too where the people can contribute and give their consent to a ruling party and president and we all have the power to expel these rulers if we believe they are not doing a good job. A great political theory and one that seems very desirable but of course there are still some issues I would like to raise.

From a meta ethical perspective where exactly does Locke's natural laws and natural rights come from is this from a rational intuition or from God? There are interpretations but generally natural law is seen as being God's law that we discover by our rational mind. There are issues with this theory so, to just start from the point that life, liberty, and property are natural rights is not self-evident.

Secondly, the idea of overthrowing the government when the people feel they are not doing a good job can actually be quite dangerous. Whilst, I do not like the idea of an absolute ruler that we must obey no matter what, equally being able to dispose of any government at the drop of a hat seems unreliable especially, if the population is perhaps spoilt, greedy, unrealistic or ignorant at any moment. If the people feel they are not happy with the government they can overthrow them. This will create a very unstable environment. Nothing would get done as leadership would constantly change progress, would be stagnant. I do not think this is such a problem people are after all self-interested and rational they would not create such a tough environment for their leaders at their own expense. The right to expel rulers is only meant to safeguard against tyranny. I do understand but still a constant change in leadership is possible and unstable.

Finally, and this is a criticism of the social contract overall how much can any one individual say they have given consent or signed up to an agreement with their government or rulers. I do not think I can say this, I was born into this society with all the rules in place and forced upon me I do not feel I made a deal with any ruler and should I decide that I do not want to participate in the agreement, should I reject my consent, give up my protections in favour of complete freedom, is this an option can, I do this can I opt out, sign a document saying: I am not protected by the police or military, but I do not have to follow the rules. Well no. Okay so how can this be a contract if I have not consented. I suppose you can leave that particular society; you can go into exile or you can choose another society to live in one where you do consent to live in and consent to the rules in place. Perhaps you can even go into the rainforest and live completely free as part of the state of nature, easier said than done.

### [Rousseau's Social Contract Theory](#)



### Rousseau's Social Contract Theory

*Hobbes believed the sovereign and the populous agree that the sovereign will have unlimited control and power over the population, provided they keep the population safe and stable. Whereas, John Locke argued that the sovereign and the people agree that the state will have very limited power and will only be allowed to exercise this power to protect its citizens natural rights life liberty and justice. Now, building off the works of Hobbes and Locke, Rousseau developed a new social contract theory that goes even further to balance freedom of the individual, with the power of the sovereign. Quite simply Rousseau's social contract claims that it is in fact the people that should become the sovereign. What does that mean exactly? Let's start from the beginning.*

*In his book the social contract Rousseau opens with the following phrase: "Man is born free and he is everywhere in chains." So, what does Rousseau mean by this? Going back to our early ancestors, the early humans and their primitive lives, humans were in fact born completely free. This is known as the state of nature. No societies, no law giver's, no civilization. Each person with a hundred percent freedom. Those of you who are familiar with Hobbes will recognize this phrase. However, Hobbes saw the state of nature as a horrible time before civilization, where humans were savage, life was cruel, painful, harsh and violent.*

*Rousseau however, did not agree with Hobbes on this point, but instead he saw the state of nature as man's freest most blissful time. People lived simple lives. They needed very little and all they needed to live happy lives was given to them by nature in abundance. Man was free and had all he wanted. However, it changed over the course of time. The human population increased exponentially. We had to share the world and share nature with a lot more humans causing scarcity and competition amongst ourselves. As the populations increased, humans had to start living closer together, one was because space was filling up and two so we could help and cooperate with each*

*other. Families started to form, then tribes, then communities, then city-states and eventually large countries. People started to become interdependent. People could no longer meet their needs alone. Each person was given responsibilities to help out, to their respective communities and labour was divided among the population to make life easier for everyone, However, with this came private property and wealth, rewards for certain labour functions and status for certain roles in certain people, because of this people would start to compare themselves to others. This desire to be better than your fellow man was down to a corrupted self-love. Rousseau referred to as amour – propre. From this amour - propre we would get greed, envy, shame and pride. Slowly, slowly certain people attained more property and wealth than others. Inequality appeared and eventually social classes were formed.*

*Now, we have interdependent societies where labour is divided among everyone in the state. Of course, for the society to function there will need to be a sovereign. There will need to be laws and rules to make sure everything functions. However, in this class divided state where certain people have a lot of private property, wealth and power Rousseau believed it would be in their interest to protect what they have and make sure they never lose their wealth and status. Laws of the land would directly benefit the rich and upper classes more so than the poor. That being the case, laws of the land would be skewed in favour of the rich and powerful to protect their private property. So, governments would be formed promising to protect all citizens but really the laws and rules passed would only ensure that the rich stayed rich, that inequality would continue and those who do not have would be unable to take from those who do have. So, man was born free, but because of how human beings have developed, most men are now in chains everywhere.*

*Rousseau did not believe this was fair, but whilst this was undesirable we are no longer in a position where we can go back to the state of nature. We have progressed too far. The aim then was to balance freedom and equality, whilst all living together under the laws of a sovereign and so there was only one sovereign that could ensure fair and equal rule over the entire population. There was only one sovereign that would seek to improve the lives of everyone, in their respective state to eliminate the social problems, inequality and serve all people. The sovereign had to be the people themselves.*

*Rousseau envisaged all the people getting together and collectively forming a new body. This new body would be the sovereign. It would be its own entity that does what is best for itself, but because “itself” consists of everyone in the respective state, the actions and laws passed would seek to benefit everyone, as a collective right. So, people would get together and look at what is best for the entire population. This Rousseau referred to as the general will. People will put their own selfish needs to one side. People will forget about their Amour - propre and just look at what is best for the entire state. The general will, is what the citizens decide at some form of assembly on how to do what is best for the entire population. Topics are discussed, people vote and laws are passed. They cannot have any basis in selfish needs. The general will, are laws and regulations that allow all to coexist in the best possible way. This new sovereign is*

*the entire population, not just the few of the rich and the wealthy but everyone. All people then surrender all their rights to the sovereign and all that matters is what is best for the general will. The sovereign is absolute with absolute power, but each individual makes the sovereign. No person or small group of people have this power. It belongs to everyone collectively. The sovereign can distribute land and individual property. It can issue the division of labour. It can levy taxes. It can pass any law that will benefit the general will. A government can be formed, but this government is just to administer the laws and regulations that the sovereign has set. Ultimately, it is all the people that have absolute power.*

*Rousseau completely disagreed with handing over your right to rule to another. Let's say to a dictator or a king or even a political party everyone should have the right to rule themselves, there should be no other authority. Now, Rousseau has said that the ruling of the sovereign must come from everyone and must apply to everyone. This is the maximum freedom that an individual can possess in a state. They have a hand in creating the laws and they must then follow them. Sometimes what we want will be passed, sometimes it will not, but whatever is passed for the general will, must apply to everyone. Should anyone disobey what is in the general will, Rousseau claims they will be forced to be free. They must conform to this ideal state with maximum freedom for all citizens. So, there we have it the social contract is that all people get together and create a new sovereign. This sovereign functions as its own entity and we collectively work together to do what is best for the sovereign.*

*As a whole we all contribute, we all have a say in how the state is to be governed and we all put aside our selfish desires and motivations to look at what is best for the whole. This general will, allows us to be rulers and subjects, to be completely free but bound to the laws of the land. It is the perfect compromise between living free in a state with other people to live free in an interdependent world. We all get together and we all do what is best for everyone. At first this seems like a very desirable state to live in. It is basically direct democracy where the people as a whole decide what is best for their nation we do not have to worry about corrupt politicians. We do not have to fear despotic kings or dictators. Collectively, we can become the masters of our own destiny. Each man is just as important as the last. Each vote counts as much as anyone else's. We are all equally free and equally responsible. But of course, there are huge problems with Rousseau's social contract as a political philosophy.*

*Firstly, we all know the issues with direct democracy. The average person does not have adequate knowledge around politics, economics cultural or social issues to be in a position to legislate on them. It may be a pessimistic attitude. You may disagree but I think the vast majority of people will not have an interest in contributing to the laws of the land or just do not have the mental capacity to understand and give any sort of informed valid opinion, or vote on the matter. So, what are we then left with. There will be vast amounts of legislation passed at assemblies, where the wider population have not voted on either through sheer laziness or ignorance. Nonetheless, they will be living*



*under laws they had no part in forming effectively. The majority could very well be ruled by the more astute and informed minority.*

*I would say that although everyone may not have the political economic or social knowledge and understanding to participate in legislation, the option is always there for them. They are not being disallowed from participation, but rather choosing not to participate because they feel they do not know enough. Should they become educated on the matter at hand and desire to be involved, they have a seat at the table.*

*Does this not then run the risk of allowing people to legislate over areas they have no knowledge in, even if they think they do? Trust me most stupid people I have met believe they know everything. We then have a very real threat, that the laws of our land are being created by ignorant people.*

*Well, I think the idea of the general will, can escape this problem if people believe they do not have adequate knowledge to legislate, then it will be in the interest of the sovereign that they do not participate. In addition, even if the astute minority find themselves at the assembly more than others, they must still vote and legislate based on what is best for the entire population. They must pass laws for the general will, not their personal will. So, this is not really a very big problem again, call me pessimistic but I do not think people vote in accordance with the general will. Human beings are selfish creatures. It is part of our nature; we will only vote for things that is in our self-interest and maybe our family's self-interest. I think the idea of the general will, is a myth. All we have is the personal will, and legislation will completely depend upon the majority who share the same personal will.*

*Rousseau does introduce the idea of what he refers to as the legislator this would be a wise, intelligent, virtuous person who can explain and teach the average man about the situations at hand and inspire people to vote, in accordance with the general will. You can look at this as a state figure, that promotes collective identity. It advises the population on what is best for the general will, and what will strengthen the sovereign and the good of everyone. Rousseau refers to this as changing each individual who is by himself a complete and solitary whole, into part of a greater whole.*

*What you are describing sounds like state propaganda, it sounds like trying to manipulate and engineer the masses to vote in a certain way. This is basically brainwashing and how do these legislators decide on what is best for the state. I would strongly believe that the legislators would have a selfish interest too. We will effectively create a ruling class that attempts to manipulate the majority to vote in a specific way. This does not sound healthy at all. There is also a threat of creating homogeneous thoughts, where any diversity or dissent from the legislators' beliefs could be suppressed and silenced. This is starting to sound tyrannical.*

*Furthermore, Rousseau mentions that the sovereign would have absolute power and absolute control and all people would give up all rights to the sovereign. This puts in place a great system for tyranny of the majority, in a diverse area with different thoughts, customs, traditions and beliefs, majority rule would impact different people*

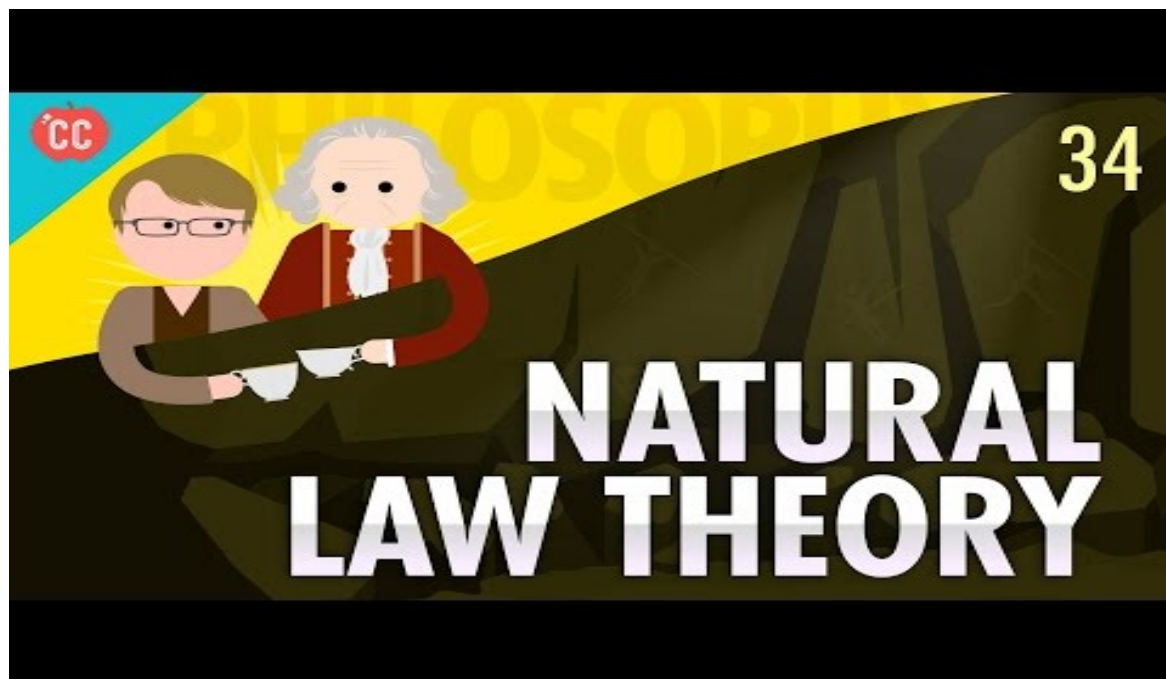
*in different ways. Should the majority decide that a certain person or that a certain group of people are to be persecuted. This would be completely legitimate under this social contract system.*

*Finally, this form of direct democracy has a huge practical flaw. Whilst direct democracy can take place in small city-states it becomes highly unlikely in countries that cover large land mass, as well as huge populations in a state that covers thousands and thousands of miles of land, with millions and millions of people. How could they physically attend an assembly and vote on legislation. It would not be possible. Well, you could break down a large country into smaller regions. You can break it down into towns, boroughs or cities and have those citizens vote for their respective areas. Then you will be left with one country that could have hundreds of different laws in different areas. You are in one city with one set of laws and you drive 10 miles out and you are met with a new set of laws. This is wildly impractical and in fact does not inspire unity or collectivity.*

*For me Rousseau's social contract has a lot of philosophical problems but most of all it is wildly impractical and basically impossible in today's world.*

*I would have to disagree. Personally, I think in today's world, with the internet and the possibility of blockchain-based voting systems, we have never been in a better position to start introducing direct democracy.*

[Natural Law Theory: Crash Course Philosophy #34](#)



*Thomas Aquinas thought morality was important for everyone, and that being a good person was a vital part of God's plan for each of us. But he also knew that not everyone had been exposed to the bible, or had even heard of God. So, what bothered him was: How could people follow God's moral rules –*



*also known as the divine commands –if they did not even know about the guy who made the commandments? Aquinas just could not believe that God would have made expectations for us, if he did not also give us – all of us a – way to meet them.*

*So, Aquinas' theorized that God made us pre-loaded with all the tools we need to know what is good. This idea became known as the natural law theory and there are a lot of versions of this theory still circulating around today. But Aquinas' original take on natural law is by far the most influential, and the longest standing. How influential? Well, if you are Catholic or a member of any of the major Protestant denominations, or were raised in those traditions, then you are probably already familiar with how Aquinas saw the moral universe and your place in it.*

*Basically, God is awesome and he made you. So, you are awesome. It's just important that you do not forget to be awesome. We all want stuff. Aquinas got that and he said that it was okay. In fact, the theory of natural law is based on the idea that God wants us to want things – specifically, good things.*

**Aquinas argued that God created the world according to natural laws – predictable, goal-driven systems whereby life is sustained, and everything functions smoothly.**

*As part of this natural order, God made certain things that were good for his various creatures. Sunlight and water are good for plants. Meat is good for cats, and plants are good for bunnies. And – because God is awesome – he instilled all of his creatures with an intuitive desire for the things that he designed to be best for them. The things that we are designed to seek are known as the basic goods, and there are seven of them. The first thing that all living things just naturally want, Aquinas said, is self-preservation – the drive to sustain life.*

- 1. Life**
- 2. Reproduction**
- 3. Educate one's offspring**
- 4. Seek God**
- 5. Live in society**
- 6. Avoid offense**
- 7. Shun ignorance**

*Aquinas thought God built all creatures with a survival instinct. And this appears to be pretty much true. I mean, we naturally avoid dangerous*

*situations like swimming with hungry sharks, and when we find ourselves in danger, we do not have to stop and ponder the options before getting ourselves to safety. After preserving our own lives, our next most pressing basic good is to make more life – in other words, to reproduce. Some beings are able to do this on their own, but since we need to coordinate matters with a partner, God kindly instilled us with a sex drive, and made the process feel good, to make sure that we do it. Thanks God! But once we manage to achieve our second basic good – reproduction – we need to educate those kids we just made. For humans, that's going to mean stuff like school and lessons in morality. But even non-human animals need to teach their babies how to hunt and avoid predators. Otherwise, the offspring they worked so hard to create are not going to survive long enough to reproduce themselves, which, of course, is the goal of everything.*

*While, these first goods seem to apply to a pretty wide swath of creation, some of the basic goods are just for humans, because of the particular kind of being we are. For instance, Aquinas thought we are built with an instinctual desire to know God. He believed we seek him in our lives, whether we have been exposed to the idea of God or not. Interestingly the existentialist Jean Paul Sartre agreed with Aquinas on this. He said we are all born with a God-shaped hole inside of us. The tragedy, for Sartre, is that he was an atheist, so he believed this was an emptiness that could never be filled.*

*Next, taking a page out of Aristotle's book, Aquinas also said that humans are naturally social animals, so it's part of our basic good to live in community with others. While short periods of solitude can be good, he believed that we are basically pack animals, and our desire for love and acceptance, and our susceptibility to peer pressure, are all evidence of this.*

*Now, since we naturally want to be part of a pack, it's a good idea not to alienate our pack mates. So, basically, Aquinas said we recognize the basic good of not pissing everybody off. I mean, he did not say it exactly that way. But if he did, I am sure it sounded a lot better in Latin. The point is, Aquinas said we feel shame and guilt when we do things that cause our group to turn against us, and that was another basic good.*

*Finally, Aquinas said we are built to shun ignorance. We are natural knowers. We are inquisitive, and we want to be right.*

**This is another trait that we share with non-human animals, because knowledge promotes survival, and ignorance can mean starving to death or ending up as someone's dinner.**

*So, these are the basic goods and from them, we can derive the natural laws.*

**We do not need the bible, or religion class, or church in order to understand the natural law.**

**Instead, our instinct shows us the basic goods, and reason allows us to derive the natural law from them.**

*Right acts, therefore, are simply those that are in accordance with the natural law. So, how does this whole system work?*

*Well, I recognize the basic good of life, because I value my own life. And that's clear to me, because I have a survival instinct that keeps me from doing dangerous, stupid stuff. Then, reason leads me to see that others also have valuable lives. And from there I see that killing is a violation of natural law. So, for each negative law, or prohibition, there's usually a corresponding positive one – a positive injunction. For example, “Do not kill” is a prohibition, but there's also a positive injunction that encourages us to promote life. And I can take that positive injunction of promoting life to mean anything from feeding the hungry, to caring for the sick, to making healthy choices for myself. And we can do the same with each of the basic goods. The basic good of reproduction leads to a prohibition, do not prevent reproduction, which is why the Catholic Church has been opposed to birth control. The positive injunction there is “Do procreate!” “Do all the procreating you want!” And if you think it through – using your God-given reason – you will be able to see how other natural laws are derived from the basic goods.*

*But, of course, as with the Divine Command Theory, the theory of Natural Law raises plenty of questions. For example:*

**If God created us to seek the good, and if we are built with the ability to recognize and seek it, then why do people violate the natural law all the time?!**

*Like if this is supposed to be something so intuitively obvious that even plants and non-human animals can manage it, why is the world so full of people - killing and defending others and folks who do everything but seek God? Aquinas had two answers for this: ignorance and emotion.*

**Sometimes, he said, we seek what we think is good, but we are wrong, because we are just ignorant.**

*And yes, that happens. I mean, there was once a time when cigarettes were literally what the doctor ordered. Back then, we thought we were promoting our health, but we were actually hurting it.*

**No matter how awesome God made you or your desires, you have to have some understanding of how to be awesome.**

*But ignorance cannot account for all of the stupid things that we do. Aquinas, again following Aristotle here, said that even though we are rational, we are also emotional creatures. Sometimes...*

**We see what we should do, but emotion overpowers our reason, and we fail to do the things we know we should.**

*So, in those cases we just kind of forget to be awesome. Now, as with the Divine Command Theory, Natural law gives us a handy answer to the grounding problem.*

**It tells us that morality is grounded in God, that he created the moral order.**

**It also gives us a reason to be moral – following the natural law makes our lives work better.**

*But while it seems to have a lot more going for it than divine command theory, natural law theory has its share of critics as well. First of all, it's not going to be super appealing to anybody who does not believe in God. You can tell me God set the world up according to natural laws, but if I reject the whole premise there's not a lot you can do to convince me.*

*Another objection comes from 18th century Scottish philosopher David Hume, in the form of what's known as the is ought problem.*

### **Is – Ought Problem**

*Hume said it's fallacious to assume that just because something is a certain way, that means that it ought to be that way. But that's basically what natural law theory does all day long. We look at nature and see that creatures have strong survival instincts. So, from there we conclude that survival instincts are good. But are they? I mean, to me, yeah, because it helps me stay alive. But my survival instinct could also cause me to do all sorts of things that look immoral to other people.*

**Like killing you and crawling inside of your still steaming body “Taunton” - style to stay alive in a blizzard.**

*Not that I would do that, but just for example. Likewise, we can observe the existence of sex drives and conclude that reproduction is good.*

**But sexual drive is also used by bad people to excuse horrible, immoral things like, committing sexual assault.**

*And for that matter, is reproduction always good? Is it something all beings have to do? Am I sinning if I choose to never have children? And what about bodies that cannot reproduce? Or people who do not want to reproduce or have partners that they cannot reproduce with?*

*As you can see, for all it has going for it, natural law theory can pretty quickly open some big old cans of philosophical worms, which might be why 18th century German philosopher Immanuel Kant thought we needed a better option.*

### [Natural Law - Thomas Aquinas](#)



### **Natural Law (Thomas Aquinas)**

*Natural law was advocated by St Thomas Aquinas. The central idea behind natural law is that human beings have an innate power to understand good and evil. God has written moral law into nature and he has created all humans with the ability to know what morality is, and to recognize what is good and what is evil.*

*Aquinas got most of the grounding for natural law through the works of Aristotle. Aristotle believed that everything in nature was constantly changing and moving and this movement was all towards its specific purpose or Telos as Aristotle referred to it. Aquinas agreed with this he agreed that God created the world in this goal-driven manner, where everything was following strict natural laws to fulfil its specific purpose. Aquinas said this*



*was the same for humans. Human beings are themselves moving to their Telos. He refers to Aristotle's concept of eudemonia; you could say it's like a heaven or a state of bliss, true and pure happiness. Aquinas believed eudemonia was only achieved in the afterlife, but it did not stop humans pursuing this and moving towards it, and we move towards eudemonia by pursuing what is good and avoiding what is evil. If we as humans always strive to pursue good and avoid evil, we get closer and closer to our purpose and to reaching eudemonia.*

*Aquinas says we reach eudemonia by pursuing good that's how exactly do we know what is good? Aquinas argued that this is through human reason. Human beings have the unique capability to reason, to be self-aware, to think, and understand their surroundings and their lives. This reason unlocks for us our moral knowledge and we will be able to recognize good and we will know how we should live and we will know how we should act.*

*Now, Aquinas went further, he argued that when we use our reason, we notice basic goods, that all reasonable humans pursue. The main purposes of life, when near enough all humans want, and what all humans are drawn towards, he distinguished five basic goods that he referred to as primary precepts. The primary precepts include life: so, the preservation and promotion of life. Reproduction: so, the continuation of the human race. Education: this is more so education of one's offspring so, they will know how to continue the human race, live better lives, and even protect you when you get old. Worshipping God: Aquinas saw how we innately seek God. We try to understand and make sense of our lives as a whole. Finally, law and order: this promotes justice and allows us to live in a functional, well-maintained society, where humans can grow develop and be safe.*

*These are the primary precepts, the basic goods. Aquinas then goes on to say that natural law continues from the primary precepts into the secondary precepts. Once our reason our knowledge is the primary precepts, we use our reason to further derive our rules, laws and behaviour, in accordance with the basic goods. So, the specific laws or behavioural codes are the secondary precepts.*

*We will take the first primary precept of life, the promotion of life. Our reason has acknowledged that this is a basic good to follow. We then think about murder. As murder is taking the life it goes against the primary precept of promoting and preserving life, and so it goes against the natural law. So, murder is something we should not do. Murder is wrong. This would be a secondary precept. If we take school; school is a place where children go to learn and become educated. Educating you're offspring is a primary precept. School is something that follows the primary precepts and therefore follows the natural law. School is therefore good; this is another secondary precept. This is the fundamental theory of natural law. Morality is an absolute God-given natural law that all humans have the innate ability to discover by using our reason.*

*This does seem like an interesting theory on human ethics. However, a lot of problems can be raised. If morality is a natural law that God has written into nature, and all humans have the innate ability to reason and discover these laws, then why do people violate the natural law. Throughout all of human history all the time, humans have violated the natural law: murder, theft and other horrible crimes. Why? If all humans possess an innate ability to understand morality is there so much immorality?*

*Firstly, we need to understand the natural law for ethics is not like any other natural law. I cannot violate the law of gravity for example. However, for moral law we need to remember that God is balancing this with free will. So, it is necessary that I am physically able to violate moral natural law.*

*But why would anyone want to? This can be down to human emotion. We are at the end of the day emotional beings. We do not live by just reason alone, and so sometimes our emotions can get the better of us. It can cloud our reason and lead us to do wrong things and violate the natural law. When we break a basic good, our reason is being overpowered by emotion and we do things we know deep down we should not, but that's exactly it. Our reason has been pushed deep down.*

*Here is another issue: You would agree that natural law is an absolutist theory, as morality has been written into nature it must be absolute?*

*Yes correct, what is good and what is evil is absolute. It is not dependent on an outcome, but God has created this as law – an action is within itself either right or wrong. So, how would natural law deal with moral dilemmas where, violating a natural law would actually bring about more good? Consider someone who must commit a morally bad action in order to fulfil a morally good action. Let's imagine we are in a hospital and there has been a power cut. The backup generator does not have a lot of power. In the emergency room we have three people who need urgent care or they will die. In the room next door, we have a man in a coma on a life-support machine with no signs of recovery. As the back-up generator is weak the only way, we can save the three people in the emergency room is to unplug the life-support machine and use the power. So, what are the choices if we do not unplug the life-support machine, we let three people die if we do unplug the life-support machine, we are actively killing someone and so violating the natural law of life.*

*Aquinas had a response to this he refers to the doctrine of double effect. When we are faced with dilemmas like this, we need to look at the situation and ask: "was the action one wanted to do good and was evil intended in the action?" So, with regards to the hospital example we want to save the three people is this good? Yes, I would say it is. This is still preserving and protecting life so, when we unplug the life-support machine did, we intend evil? Not really our intention was to save the three people, which is good, we did not intend to kill the man in the coma. This is not what we set out to do. It was just an unfortunate situation, but the intention was always good. So, what we have done was morally good it just had a bad side effect. This means it is permissible under moral law.*

*This seems problematic. How can this be an absolutist theory. How come morality be absolute if natural law can be violated, when we deem it necessary. We are talking about situations in which the intended action is good. The unintended side effects are violating the natural laws, however, as agents we are not intending to violate the natural laws but rather promote them. This is just casuistry. You can bend in shape and violate the natural law depending on what we think will generate the best. This feels more like a consequentialist theory rather than an absolutist one.*

*Finally, what good is the natural law theory if you do not believe in God, you can argue that God has created natural laws for humans and that our moral laws are created within*

*nature, but if we reject the whole concept of God and deny he exists then where does that leave natural law as the whole theory relies on God. This theory can only appeal to religious people. No one else really has a reason to adopt this.*

## 2 Natural Law Aristotle



*Aristotle is mentioned on the specification as someone that you need to know. However, you must be very careful. The examiner's report on past examination papers have clearly stated that many students wrongly spend much of their essay time describing Aristotle in lengthy detail, when the question does not require this. As you will see here, Aristotle is an important influence, but it is likely that the bulk of your writing will be regarding Aquinas' development of Aristotle's work.*

*Aristotle is a significant influence on the work of St Thomas Aquinas. Aristotle was an ancient Greek scholar. He was a student of Plato. He took an empiricist view on knowledge, which means to say that he felt our senses were the most valuable route to knowledge about the world. Aquinas came across him in his studies and admired his approach to knowledge and truth. He altered and adapted some of Aristotle's thinking to make it compatible with a Christian understanding of the world. For Aquinas a monk, scripture was a vital source of truth and knowledge because it comes directly from God and*

*thus cannot be wrong. However, whilst it is accurate, it is not comprehensive and we have difficulty sometimes, when we have questions that the Bible does not answer.*

*In addition, God has clearly created us with reasoning faculties, and it seems that on the route to true knowledge rather than just blindly believing what we are told to believe, we should use our conscience, which acquires understood to be our reasoning faculties, to discern what is true. Thus, Aquinas took Scripture, and Aristotle's ideas together when formulating natural moral law.*

*Epistemology is the study of knowledge and Aristotle's theory of knowledge or epistemology was empiricist. This means that he valued the senses most highly when trying to establish what was true or real. He felt that in order to truly know an item or object one needed to be able to explain or identify all causes of it.*

*Firstly, the material cause is what the item is made from. If we use the example of a statue, the material cause might be marble. Secondly, the formal cause shows, its shape or characteristics. As such, you might have arms, legs, a head, for instance. The efficient cause is what makes it or brings it about. The efficient cause of a statue would be the sculptor or artist, and the final cause is the purpose or "Telos," for which it was created. The final cause of our statue may have been to form a likeness of a person, or to cause pleasure by viewing its aesthetic beauty.*

*It is highly unlikely that you will need to explain this bit in an essay. Please do not be tempted to do so. There is so much more material to write about with natural law that you will not have time for the more awardable material. If you include this detail however, knowing it means that you can make sense of the material that is about to follow.*

*Aquinas took Aristotle's ideas, and Christianized them. The efficient cause of humanity according to Aquinas is God. He is our Creator according to Scripture, and so we can know more about truth in the world, if we understand this. We can also look to the efficient cause of any action, in order to know if it is right or wrong, and we will return to this idea in a worked example later on. The final cause of humanity according to the scriptural interpretation, is to do good and avoid evil, in order to achieve fellowship with God or a right relationship with him. This is our "Telos" or purpose, the highest good what we were made by God for. In addition, if we look to the final cause of an action, it can help us to establish its morality. We will return*

*to this idea later in a worked example. We will come across Aristotle again in other films. There are particular areas that we will cover, where Aristotle's influence is mentioned.*

*On the specification, it is not going to be an examination on Aristotle but you will need to know that Aquinas used his ideas and made them Christian. Aristotle was not a Christian. As an ancient Greek scholar, he predates Christianity by about 400 years. However, his work has affected the way that Christianity is today and Aquinas has done much to make that happen. The areas that you will notice Aristotle popping up in are virtue ethics and superior and subordinate aims.*

[Karl Marx & Conflict Theory: Crash Course Sociology #6](#)



## **Karl Marx & Conflict Theory**

*You've probably heard of Karl Marx. He's remembered as the father of divisive political movements, and his name is sometimes still thrown around in American politics as a kind of slur. But I don't want to talk about that. I want to talk about Marx the philosopher. Marx the scholar. In the 19th century, a time defined by radical inequality and rapid technological and political change in Europe, Marx was concerned with one question:*

**What does it mean to be free?** *Starting from this question, Marx developed an entire theory of history. And in doing so, he laid the foundation for the paradigm of conflict theory in sociology, ultimately pushing the discipline to look at questions of power, inequality, and how these things can drive societal change.*



*If Durkheim was concerned with social solidarity, with how society hangs together, Marx was concerned with freedom. The question that Marx asked was "how can people be free?" Because humans aren't just naturally free. When you think about it, we're actually incredibly constrained. Our physical bodies have all kinds of needs we have to meet in order to survive, and they're needs that we're not really adapted to meet. Like, if you take a hummingbird and put it in the middle of a forest somewhere, it'll just go on about its day, collecting nectar and living its life. But if you drop a person in the middle of the woods, they'll probably starve. Compared to other animals, Marx thought, we're incredibly poorly adapted to the natural world.*

*In fact, the only way for us to survive in nature is to change it, working together to remake it to fit our needs. This is labour, he said, and we must labour cooperatively in order to survive. As we labour, we change the world around us, and gradually free ourselves from our natural constraints. But what Marx saw was that just as we freed ourselves from these natural constraints, we entangled ourselves in new social constraints.*

*Think about it like this. Ten thousand years ago, basically everybody spent all day trying to get food. In this "primitive communism," as Marx called it, people were strongly bound by natural constraints, but socially very equal. Now, compare that to the Middle Ages when, under feudalism, you have an entire class of people, the nobility, who never spent any time worrying about where their next meal would come from. But you also have the peasantry, who still worked constantly, making food. In fact, they spent a lot of their time making food for the nobility. People were producing more than they needed to survive, but instead of that surplus being equally distributed, society was set up so that some people simply didn't need to labour at all, while others had to work harder. That's not a natural constraint anymore, that's a social one. Working together allowed us to transcend our natural constraints, Marx argued, but the way labour is organized leads to massive inequalities.*

*So, central to the question of freedom for Marx is the question of labour, how it's organized and who it benefits, and how this organization changes over time. This focus on labour gave rise to the perspective created by Marx and his long-time collaborator Friedrich Engels – a perspective known as historical materialism. Historical materialism is historical because it looks at change over time, and its materialism because it is concerned with these questions of material reality – that is, how production is organized, and who has things like food, or money, and who doesn't.*

*Now, it's not that Marx didn't care about other things, like politics or religion. But he felt that they were secondary to the production and control of resources. And I don't mean secondary as in less important; I mean secondary because he thought that if you wanted to understand those things, you had to understand the material*

*reality they were based on first. In this view, the economy – that is, the organization of labour and resources in a society – was the foundation, and everything else – politics, culture, religion, even families – was what Marx called the superstructure, which was built on top of material reality. So, when Marx studied history, he didn't focus on wars and power struggles between states. Instead, he saw historical development in terms of modes of production and economic classes. Now, “modes of production” might sound like they're about how stuff is made, but Marx understood them as stages of history. Primitive communism, feudalism, and capitalism are all modes of production.*

*And modes of production are all defined by a combination of forces of production and relations of production. Forces of production are basically the technical, scientific, and material parts of the economy – tools, buildings, material resources, technology, and the human labour that makes them go. In modern capitalism, the forces of production include things like factories, oil, and the internal combustion engine. But they also include cultural or social technologies, like the idea of the assembly line and mass production. The relations of production, meanwhile, define how people organize themselves around labour. Do people work for wages, or does everyone produce and sell their own goods? How does ownership or property work? Is trade a central part of the economy? These are all questions about the relations of production. And these questions are important because, if you think in terms of social constraints and surplus, the relations of production specify how the surplus is taken from the people who produce it, and who gets to decide how the surplus is used. And, in capitalism, these relations aren't all that clear-cut.*

*For one thing, we don't have legally defined classes. In feudalism, being a lord or a peasant was a legal matter. If a peasant didn't work, their lord could legally punish them. But under capitalism there aren't any legal rules about who labours and who doesn't. If you skip work, you don't get tossed in jail, you just get fired. But Marx was a historical materialist, so in his view, even in feudalism, classes weren't really defined by laws, they were actually defined by their place in the relations of production. And when Marx looked at industrial capitalism taking shape around him, he saw two main classes: the working class (or proletariat) and the capitalists (or the bourgeoisie). The proletariat are defined by the fact that they don't own or control the means of production – that is, the materials you need to use in order to labour and produce goods.*

*One way of thinking about the means of production is as the inanimate part – the actual, physical stuff – that makes up the forces of production. So, this includes everything from the land to stand on while you work, to the raw materials you need, like trees, and coal, and iron ore, to the tools and machines you use. To simplify things dramatically, the proletariat are defined by the fact that, while they work in the factories and use resources to make things, they don't own the factories or the things they make. The bourgeoisie are defined by the fact that they do own the*

*factories and the things that are made in them. They control the means of production and the products that come from them. It's this difference in who controls the means of production, Marx said, that leads to exploitation in capitalism, in the form of wage labour. If the proletariat lack access to the means of production, he argued, then they only have one thing they can sell: their labour. And they must sell their labour. If they don't, they starve.*

*Now you might argue that, hey, they're being paid, right? Well, Marx would counter that they're only being paid enough to live on, if barely. However, Marx would also argue that they're being paid less than the worth of what they produce. And it is that difference – between the value of the wage and the value of what's produced – which is the source of surplus in capitalism. You know this surplus as profit. And the bourgeoisie get to decide what to do with the profits. Because of this, Marx believed that the bourgeoisie will always be looking to make profits as large as possible, both by driving down wages and by driving up productivity. And this leads to one of the big problems with capitalism: crises. Specifically, crises of overproduction. Other modes of production had crises, too, but they were caused by not having enough. In capitalism, for the first time in history, there were crises of having too much. We reached a point where the forces of production were so developed that we could produce far more than we needed. But the vast majority of people couldn't afford to buy any of it. And so, we had crises where the economy collapsed, despite the fact that there was more than enough to go around. Crises of overproduction are an example of what Marx saw in every mode of production: the contradiction between the forces of production and the relations of production.*

*Marx understood history as a series of advances in the forces of production – like, greater coordination among capitalists, more technological complexity, and more organizational innovation. But eventually, he said, those advances always stall, as the forces of production run up against the limits created by the relations of production. For example, in the early days of capitalism, the relations of production included things like private ownership of property, competition among capitalists, and wage labour. And these things allowed for explosive economic growth. But eventually, these very same things became limitations on the forces of production – stuff like factories, technology, and human labour. That's because capitalists drove wages down in pursuit of profit, and they competed with each other, leading to a lack of coordination in the economy. So, you wound up with a population that couldn't afford to buy anything, while at the same time being offered way more goods than it would ever need. And, with the economy in shambles, there's no way for the forces to keep developing – there's no money to invest in new factories or new technologies. So, the relations of production that created economic growth became precisely the things that caused crises.*

*Marx saw this as an impasse that all modes of production eventually meet. So how do you get a society to move past it? Marx said, the way forward was class conflict.*

*History is a matter of struggling classes, he said, each aligned with either the forces or relations of production. The bourgeoisie are aligned with the relations of production, he said, because these relations are what allow them to extract surplus from the workers. So, they're quite happy with the situation as it stands. But the proletariat want change. They want the further development of the forces of production – of which their labour makes up a large part – and they want a complete change in the relations of production. They want an end to exploitation and they want the surplus to benefit them. After all, it was their labour that created the surplus. In short, they want revolution. And so, this is Marx's model of history: a series of modes of production, composed of forces and relations of production. These forces and relations develop together until they eventually come into conflict, leading to a revolution by the oppressed class and the institution of a totally new set of relations, where the workers benefit from the efforts of their labour.*

*Plenty of theorists followed in Marx's wake, taking his idea of historical materialism and expanding it to better deal with some of the areas that Marx had left out. Particularly interesting here is the work of the Italian theorist Antonio Gramsci, who wrote in the years preceding World War II. One of the big questions implicit in Marx's theory is just how the bourgeoisie manages to stay in power so effectively. And Gramsci answered this with the theory of hegemony. He argued that the ruling class stays in power, in part, through hegemonic culture, a dominant set of ideas that are all-pervasive and taken for granted in a society. While they're not necessarily right or wrong, these ideas shape everyone's understanding of the social world, blinding us to the realities of things like economic exploitation. But hegemonic ideas don't need to be economic ones. They could just as easily be beliefs about gender, or race.*

*And this points to possibly Marx's biggest impact. While Marx's model of history is specific to economic conflict, we can see in it the essence of the broader sociological paradigm of conflict theory. Conflict theory is the basic idea of looking at power dynamics and analysing the ways in which struggles over power drive societal change, as all kinds of groups, not just workers and owners, fight for control over resources. Marx's ideas gave rise to a host of conflict theories in sociology, including Race-Conflict Theory, Gender-Conflict Theory, and Intersectional Theory. These theories give us ways to understand power, control, and freedom in modern society, and we're going to be looking at them over the next couple of weeks.*



## Capitalism vs Socialism



*The two main economic ideologies that dominate the political philosophy landscape are capitalism and socialism. Capitalism is the idea that the state or the government should stay out of a country's economics. A country's trade should be entirely made up of private companies who operate for profit and national government should stay out or play as minimal part in the operation of trade as possible. Making money and running a business is solely for the people. Capitalism believes in completely free trade an unregulated market free from any government interference, Capitalism has worked wonders for the Western world. We have seen people become very successful because of the free market. We have seen a sharp increase in the middle class and an increase in our standards of living, all because people are free to make as much money as they can and be as successful as they can. Capitalism gives opportunities for all and anyone who lives in the capitalist country has the chance to succeed.*

*Well, that's not entirely true. Whilst a general ideology of capitalism is to give all people the opportunity to succeed. Without government intervention, this is not always the case. We can see big businesses who are able to come in and completely dominate the free markets. They create a monopoly on a specific market, making it impossible for other companies to compete. Whilst capitalism is free from government constraints, it then gives the freedom to other companies to constrain the markets.*

*Now, hang on it's in the interest of the people to have these big companies. These big companies employ thousands of people. They create for the consumer when there's a demand and they bring growth and prosperity to a nation's economy.*

*The economy is important but so are the individuals. Capitalism can lead a very big inequality within the country. We can see an economy grow and we can see some people become very rich, but then we see a lot of people become very poor. There may be a creation of jobs, but again if these jobs are controlled by a few large corporate companies, then they create a monopoly on employment, Because the government cannot interfere,*



*the very rich and wealthy members of society can exploit the workers and can exploit the poor. This leads to less opportunities for a majority of people in a society. While the rich people can then keep all their wealth in their families for generations.*

*But wealth is not finite. In a capitalist system wealth is created. Anyone has the freedom to go out to work hard, offer a service or a product, that people want and make their own money.*

*Although you are free to try, I do not think capitalism allows you the freedom to succeed. I tend to favour socialism*

*Explain?*

*Where capitalism advocates for unregulated markets, free from government. Socialism advocates for government-controlled markets, where the wealth and land of a country is all owned and controlled by the government, and distributed equally amongst the citizens. Karl Marx described a society of very few rich people, who he called the bourgeoisie, living alongside many poor workers, who he called the proletariat. Eventually, the many proletariat will rise up and take control of all the wealth and land, and then distribute it equally amongst all who lived in that state. This would be the birth of socialism.*

*This then leads to social and financial equality, solving all the issues of capitalism. With socialism we can almost eradicate inequality and poverty, as the government distributes the wealth to everyone according to their needs. So, we do not have big companies keeping all the wealth and have many poor people, with only very few rich. This way all people are equal there is no rich or poor. The wealth is spread evenly.*

*Yes, but there's a problem with socialism. A system like this will damage entrepreneurship and work ethic. Why would someone work very hard to try to make the best of their lives, if they will be rewarded the same as someone who is lazy, or someone who's not doing anything complicated? Why would someone spend their time creating something if they cannot enjoy the rewards of their creation?*

*Is that not a selfish attitude?*

*It's a human attitude with socialism. We will not see the striving determination of people to succeed and better themselves. There is no incentive to work hard and contribute more, if you do not get more in return, and as an effect society as a whole will suffer, as no one will be inspired to create something fantastic. Instead, what we will get is a lot more government control. A socialist government will effectively own all the wealth and the land. So, that leaves us with a big government, and big governments are usually something that is not desired. We see slow innovation; we see slow change and a lot more bureaucracy and costs, leaving large possibilities for socialist States to get left behind in competition with the rest of the world. Socialism may create more equal society, but we will all be equally poor as a result.*

*Well, I would like to think they are human. Determination and strive will continue maybe not for personal gain, but for social and community gain.*

## Utopian Socialism

*As Britain rapidly industrialized in the late 18th and early 19th centuries, reformers came to envision alternative societies. Rather than civilization defined by harsh industrial labour practices driven by greed and the profit motive, **utopian socialists** argued society could be both industrial and humane.*

*A significant part of this was the utopian socialists' creation of planned communities, where individual competition would be replaced with a communal society where no one was wanting. Though their critics dubbed these projects "utopian" (hence, the name utopian socialists), many communal societies were attempted in both Britain and the United States. Some, of course, were more successful than others.*

*Utopian socialism and these exemplary planned communities were also infused with millennialist thought. **Millennialism** was the belief that Christ's Second Coming was near, and humanity needed to prepare. One way to prepare society for the millennium, utopian socialists argued, was to create these small, perfect communities. As one American utopian said in 1844, "Our ulterior aim is nothing less than Heaven on Earth."*

## What is Utopian Socialism?

***Utopian socialism** is a vision of society as being more cooperative than competitive. A definition of utopian socialism is a society that lives in peace with no poverty or unemployment, due to workers and owners working together. Utopian socialism suggests that the industrial order could be made more humane and cooperative, rather than competitive and driven solely by profits. Under this system, unemployment and poverty would be eradicated. Utopian socialism is socialism that is achieved through the moral persuasion of capitalists to surrender the means of production peacefully to the people. This belief holds that, through conscience and morals, people could work together in society and live together communally without the need for money or class.*

*Utopia is the ideal place of a perfect society with well-functioning laws, government, and social conditions. In a utopia, all the citizens are satisfied and work together well. A **collective good** is something that benefits every person in a society. For example, public parks and highways are collective goods because everyone can enjoy them, regardless of class or social standing. **Noblesse oblige** is the idea of the inferred responsibility of privileged people to act with generosity toward those with less privilege. The idea supports the generosity of the wealthy nobility towards those who are of a lower class.*

## Who Was Robert Owen?

*Robert Owen was a social reformer and philosopher who lived from 1771 to 1858 and was born in Wales. In his early adulthood, Owen was a manufacturer who helped run a cotton mill in Manchester. Owen and other utopian socialists infused their beliefs with millennialist thought. Much of utopian socialism was influenced by millennialism, which suggested Jesus Christ's return to Earth was near and that humanity should prepare. Owen believed in collective goods and noblesse oblige, which went against the ideals of many capitalists, who were focused solely on profit, after the Industrial Revolution. Later in the*

*19th century, Owen's utopian socialism would be contrasted with revolutionary socialism, which Karl Marx made famous.*

*At New Lanark, in Scotland, Owen implemented his philosophy to offer resources for the workers. Owen supported universal education for youth and early child care. Owen also established an eight-hour working day for citizens at New Lanark, which helped lead to increased demand for an eight-hour working day throughout Britain. Owen was a prolific writer, and publications such as *A New View of Society, or Essays on the Principle of the Formation of the Human Character* established his utopian socialist views.*

*Many of Owen's beliefs aligned with Enlightenment views that were revolutionizing Western thought at the time. The Enlightenment occurred from the late-17th century to early-19th century. Some important ideas associated with the Enlightenment are a questioning of authority, that humanity could be improved through rational changes, and a pursuit of the principles of liberty, progress, tolerance, and separation of church and state.*

## **The Industrial Revolution and Robert Owen**

*The Industrial Revolution, which occurred from around 1760 to 1840, changed the way people lived and worked in Europe and the United States. New technology was introduced that made mass production and travel more possible and widespread. Textiles became easier to mass produce; canals and steam engines improved transportation of goods; metallurgy increased and became more efficient, and the factory system was introduced to society.*

*As a result of increased factory work, Owen desired to enact labour reform. Owen aimed to improve child labour laws, workers' rights, and provide free education to all children.*

### **What did Robert Owen do for his workers?**

*Robert Owen believed that many capitalist practices were morally wrong. As a result, Owen provided resources for his workers. These resources include free childcare, housing, a shorter work day, free education for children, and restrictions on child labour.*

### **What is the meaning of utopian socialism?**

*Utopian socialism is a belief surrounding the economic system of society. The system would be contrasted to capitalism, where capitalists own the means of production and exploit workers to make profits for themselves. Under a utopian socialist society, the owners would surrender the means of production peacefully and everyone would have equal standing in society.*

### **What did Robert Owen want to accomplish?**

*Robert Owen was a utopian socialist, and he aimed to accomplish creating a perfect society in which poverty and unemployment was eliminated. The two social experiments that Owens attempted were at the New Lanark Mill in Scotland and in New Harmony, Indiana. While Owens achieved success at*

*New Lanark, the New Harmony community soon became fragmented after disagreements over religion and government.*

### **How did Robert Owen contribute to the Industrial Revolution?**

*Robert Owen lived during the Industrial Revolution, which was a rapid change in technology that affected mass production and resulted in the prevalence of factories in Europe and the United States. Owen contributed by increasing the popularity of the idea of the eight-hour work day. Owen provided the eight-hour work day for his employees, which made the idea more popular in society.*

### **What are the beliefs of utopian socialism?**

*Utopian socialists believe that an ideal economic system can be established by the moral persuasion of capitalists to surrender the means of production to workers. Instead of profiting off of workers and exploiting them, utopian socialists believe that owners and workers could work together peacefully.*

### **What is an example of utopian socialism?**

*Robert Owen attempted to create a utopian socialist community at New Harmony, Indiana. In this town, people would grow their own crops and produce goods which were sold, and education would be provided for free. However, the New Harmony experiment failed due to differing beliefs of its members.*

## **02. The Nature of Law – Morality**

### **Activity:**

*What other issues were once regarded as both immoral and thus illegal in England and Wales? Have all of these things changed? Are some things now regarded as immoral but not illegal? Is anything considered immoral now that was moral in the past?*

### **Expected Content:**

- **Divorce** – used to be both immoral and illegal, is no longer universally considered immoral in the UK, and is not illegal.
- **Blasphemy** – is still illegal in Northern Ireland, in the form of blasphemous libel, but is no longer illegal in England and Wales, and is not universally considered immoral.
- **Employing children** – was once considered moral, is now regarded as (generally) gravely immoral, and is illegal.

[Legal vs. Moral: Written vs. Right - Political Philosophy Series | Academy 4 Social Change](#)



## Introduction

*Imagine you are taking a walk one night in your city. You come to an intersection with a traffic light. The pedestrian light says stop, but the entire road is empty. You wait and wait before finally deciding to cross the street. No cars come, and you go on with your walk. Technically, what you did was illegal. But, if you asked an average person if what you did was immoral, they would probably say no.*

*Now imagine that a friend of yours has just gotten a terrible haircut. When they ask for your opinion, you lie and say, "It looks great!" When they leave, you gossip with another friend about how bad the haircut really is. In this case, nothing that you did was against the law, but most people would say you were in the wrong.*

## The Explanation

*What is legal and what is moral are similar in many ways, but very different in others. Both provide social organization, meaning that they shape how people behave and what is considered socially acceptable. Also, they help people interact more cohesively and aim to protect individuals from harm. Lastly, they accept or discourage many of the same actions. For example, from a legal and moral standpoint, drunk driving is unacceptable.*



*However, law and morality are not the same. For one, the law is binary, which means that an action is either legal or illegal. But, morality is full of grey areas. For example, stealing bread is unlawful regardless of motivations, but most people are more sympathetic if it was done to feed starving orphans than as a random act of robbery. Additionally, the law is enforced by government actors like the police and the courts, and there are set punishments for offenders. Morality is not formally regulated, though there certainly could be social consequences for immoral actions. Finally, the law is the same for all citizens, but morality depends on who you are asking because everyone has a different perspective and set of experiences. Keep these similarities and differences in mind as we define exactly what legal and moral mean.*

### **Definitions: Legality vs. Morality**

*The law is a system of rules that a state enforces to regulate behaviour through penalties. Legal principles are based on the rights of the citizens and the state expressed in the rules. An action is permissible if it does not violate any of the written rules.*

*Morality is a body of principles that attempt to define what is good and bad conduct. Moral principles can be based on culture, religion, experiences, and personal values. An action is considered moral if it fits within those standards, though everyone has different standards.*

### **The History**

*The first legal code, the Code of Ur-Nammu, was developed in Mesopotamia in roughly 2000 BCE. The code listed prohibited acts and the associated punishments. The law had the backing of the ruling power and was enforced throughout the empire. The Code of Ur-Nammu was remarkably modern with a mix of physical and monetary punishments. Current laws are still inspired by the structure of the Code of Ur-Nammu.*

*Morality is thought to have existed since the beginning of the human species. However, it is widely agreed that religion cemented morality as an essential social construct. Through shared faiths, it became common for people to hold behavioural standards that carried serious consequences. Thus, religion and morality were passed between generations and locations, and though it was different for different people, morality became central to society.*

### **Why Care?**

*As society evolves and opinions shift, what is thought of as moral changes as well. Looking back at history, there are many examples of laws that were unequivocally immoral according to the standards of today. The United States has stolen Native American lands, enslaved Black people for generations, and discriminated against homosexuals among many other examples. As society becomes more informed and open, citizens demand their laws reflect their new definition of what is moral. While not everyone agrees with the decisions, changing the laws is a big step towards shifting overall social views. By altering the law, society is told the new definition of what is acceptable. Law and morality interact together and often cause the other to change. The bottom line is that when laws are unjust or outdated, the people need to stand up and fight for what is right.*

## Dilemmas

Many people face all kinds of dilemmas in life, and the choice they make can have long-lasting impacts. Sometimes these dilemmas have even caused changes in society and history. There are different types of dilemma that can be faced, classic, ethical, and moral.

## Classic Dilemma

A classic dilemma is a choice between two or more alternatives, in which the outcomes are equally undesirable, or equally favourable.

Classic dilemmas are more than simple choices because they usually prompt the person to think about the outcomes of the choices.

## Ethical Dilemma

An ethical dilemma is when a person is forced to decide between two morally sound options, but they may conflict with the established boundaries of a business, a governmental agency, or the law.

Ethical dilemmas are especially important in the medical and criminal justice fields, and in careers such as social work and psychology. Ethical dilemmas may include situations such as:

- A secretary discovers her boss has been laundering money, and she must decide whether or not to turn him in.
- A doctor refuses to give a terminal patient morphine, but the nurse can see the patient is in agony.

## Moral Dilemma

A moral dilemma is a situation in which a person is torn between right and wrong. A moral dilemma involves a conflict between someone's principles and values. The choice may leave them feeling guilty or questioning their values.

Some common moral dilemmas, often researched by students, include:

- The Death Penalty
- Doctor-Assisted Suicide
- Abortion
- Fossil Fuels vs. Renewable Energy

## The Overcrowded Lifeboat

In 1842, a ship struck an iceberg and more than 30 survivors were crowded into a lifeboat intended to hold 7. As a storm threatened, it became obvious that the lifeboat would have to be lightened if anyone were to survive.



The captain reasoned that the right thing to do in this situation was to force some individuals to go over the side and drown. Such an action, he reasoned, was not unjust to those thrown overboard, for they would have drowned anyway.

## The Overcrowded Lifeboat

If he did nothing, however, he would be responsible for the deaths of those whom he could have saved.

Some people opposed the captain's decision. They claimed that if nothing were done and everyone died as a result, no one would be responsible for these deaths.

On the other hand, if the captain attempted to save some, he could do so only by killing others and their deaths would be his responsibility; this would be worse than doing nothing and letting all die. The captain rejected this reasoning. Since the only possibility for rescue required great efforts of rowing, the captain decided that the weakest would have to be sacrificed.

## The Overcrowded Lifeboat

In this situation it would be absurd, he thought, to decide by drawing lots who should be thrown overboard.



As it turned out, after days of hard rowing, the survivors were rescued and the captain was tried for his action.

If you had been on the jury, how would you have decided?

## A Father's Agonising Choice

You are an inmate in a concentration camp. A sadistic guard is about to hang your son who tried to escape and wants you to pull the chair from underneath him. He says that if you don't he will not only kill your son but some other innocent inmate as well.



You don't have any doubt that he means what he says. What should you do?

## The Train Problem

A train is running out of control down a track. In its path are five people who have been tied to the track by a mad philosopher. Fortunately, you could flip a switch, which will lead the train down a different track to safety. Unfortunately, there is a single person tied to that track.



Should you flip the switch or do nothing?

Would you save 5 people or 1?

## The Train Problem

As you get closer you realise the 5 people are a group of men who have escaped from the nearby prison, and the single person is your mother.

Does this change how you choose to react?



Would you still flip the switch?

Would you choose to save more lives? Or would you choose to save the life that means the most to you personally?

<https://www.buzzfeed.com/tracyclayton/moral-dilemmas-that-will-break-your-brain>