

# Hampton: Political Philosophy

## 1

### The Problem of Political Authority

There is the question what renders it just to exercise force in, say, requiring what is just. The parent may in effect say, "Don't hit your little brother, or I will hit you." What is the difference—is there a difference—between his threat and the threat of the child he so threatens? After all, the little brother may have been doing something quite unfair. The same question arises about the violence of the state. I judge that this is the fundamental question of political theory.

—G.E.M. Anscombe, "On the Source of the Authority of the State"<sup>1</sup>

Think for a minute about your own political subjugation. You are continually subject to rules not directly of your own making, called laws, governing not only you but others, mandating, for example, how fast you can drive on a highway, what kind of behavior you can exhibit in public, what kinds of treatment of other human beings are permissible, what objects count as "yours" or "theirs," and so forth. These rules are enforced by certain people following the directives of those who create the rules and who set the penalties for breaking them. Thus you know that if you don't obey the rules, you are likely to suffer undesirable consequences, which can range from small fines to incarceration and even (in some societies) to death.

But on the surface this seems to mean that when you are ruled you are not only subjugated but coerced. We don't approve of a gunman's pointing a gun at your head and demanding that you give him your money, so why should we approve of *any* group's using threats of fines, jail, or death

to demand that you behave in a certain way or that you pay them money (which they call "taxes") or that you fight in wars of their making? Is this subjugation really permissible from a moral point of view, especially given that human beings require freedom in order to flourish?<sup>2</sup>

In order to answer this question, we need to think about the difference between what intuitively strikes us as "good" and "bad" kinds of control. The control of a parent over a two-year-old is normally thought to be not only permissible but morally required. The control of a gunman over a victim he has kidnapped at gunpoint is normally thought to be highly impermissible. The second kind of control is condemned as morally unjustified—a violation of the coerced person's "rights." The first kind of control is thought to be morally justified and consistent with, and even supportive of, the child's rights. But what is the difference between rightful and wrongful kinds of control over human beings? And since political control is importantly different from the control that parents have over children, why should it count as an example of the "good" rather than the "bad" sort of control?

Intuitively, we speak of the good forms of control as arising from some sort of *authority* that the controller rightfully exercises over the person she is controlling. Hence we speak of the authority of the parent over the child or the authority of the teacher over her students in the classroom or the authority of the priest over her religious congregation. Hence a person's rightful control over others in certain areas seems to arise from that person's authority in that area. But from where does such authority come? Do rulers in a political society have it? If so, what kind of authority is it?

Whatever it is, it is not the same as (sheer) power. Authority is about the *entitlement* to rule; mere power isn't enough to supply entitlement. There is an old maxim popular among tyrants that "might makes right." (Joseph Stalin's acceptance of this maxim explains why, on being asked in 1935 to encourage Catholicism in Russia in order to conciliate the pope, he replied, "The Pope! How many divisions has he got?")<sup>3</sup> But most people, particularly those who have had the misfortune to be subject to the power of tyrants, have condemned and rejected this maxim, arguing that there is a huge difference between a ruler who has authority to govern and a mighty robber baron who, with his henchmen, controls people using terror and fear in a way that they despise. Rulers are said to have not only the power to make and enforce rules but also the entitlement to do so. And when they do so, they are said to have (political) authority.

Connected to this entitlement is the obligation the subjects have to obey the (authoritative) ruler's commands. If I am a subject of a government I take to be authoritative, then not only do I obey a command of the state because I am fearful of the sanction if I disobey it and I am caught, but

also (and more importantly) because I believe I ought to do so: "I have to do this because it's the law," I think to myself. And its being a law puts me under an obligation, independently of the content of its directive. I can hate or like what I am being commanded to do, but as long as that command comes from an authoritative political ruler, I understand that I have an obligation to obey it. That obligation purports to preempt, or "trump," all sorts of reasons I may have against performing as the command directs (although we might not think it trumps *all* reasons—in particular, it might not trump reasons based on certain moral principles that can seem more important than the legal obligation, or so advocates of civil disobedience will argue).

To summarize, we can define political authority along the lines suggested by one recent philosopher as follows:

Person  $x$  has political authority over person  $y$  if and only if the fact that  $x$  requires  $y$  to perform some action  $p$  gives  $y$  a reason to do  $p$ , regardless of what  $p$  is, where this reason purports to override all (or almost all) reasons he may have not to do  $p$ .<sup>4</sup>

But where does this political authority come from? Answering this question involves understanding the *kind* of authority political rulers have. Clearly, they have authority to make and enforce rules, but into what areas can these rules extend? Does their authority allow them to make rules in any area of human life? Or are there constraints or limits on the scope of their control over us? And does their authority have any moral constraints? That is, must the rules they generate have a certain (moral) content in order to be considered authoritative (or binding) for us? Or are we subject to them no matter what their content simply by virtue of our having been commanded by people who have authority over us? Historically, political theorists have been divided about how to answer these questions: As we discuss in the next chapter, some, such as Thomas Hobbes in *Leviathan* (1651), argue that political authority is unlimited in scope (thus extending to all areas of human life) and substantively unconstrained. Others, such as John Locke in *Two Treatises of Government* (1689), contend that political authority is considerably constrained in both scope and content. However, no matter how this controversy is settled, note that even the most ardent supporter of the idea that political authority is limited must still accept that it is a very substantial kind of authority, involving, among other things, authority over the life and death of those subject to it. This power is most obvious in the context of punishment, but even in a society that eschews capital punishment, the state's control over life exhibits itself in its right to conduct war and its right to use various

deadly means to pursue dangerous lawbreakers. If political authority involves this much control, how can it be defended as legitimate?

Some thinkers known as *anarchists* have concluded that it cannot be defended and have criticized philosophical views that take for granted the idea that political domination is a special, morally justified form of domination. These anarchists have insisted that the only morally defensible form of human association is one in which there are no persons or institutions issuing commands that they back up through the use of force. Henry David Thoreau is an example of an anarchist, and this position enjoyed some popularity among intellectuals in nineteenth-century America and Russia.<sup>5</sup> Anarchists such as Thoreau influenced twentieth-century advocates of civil disobedience and peaceful political revolution, such as Mahatma Gandhi and Martin Luther King Jr. But King and Gandhi embraced the idea of peaceful revolution as a tool to combat only *unjust* political rule, not the idea of political rule itself. They, like most political theorists in our time, have believed that some forms of ruling political authority are legitimate. But given the inherently coercive nature of governments and ruling institutions, how can that legitimacy be established?

In this chapter we review four theories that attempt, in different ways, to legitimate and define the extent and nature of political authority. They are the divine authority theory, the natural subordination theory, the perfectionist theory, and the consent-based theory. All of them have their roots in the political theorizing of ancient Greece, and the first three have been largely (but not entirely) rejected in the modern world for reasons that we shall review. The fourth, the consent-based theory, enjoys considerable popularity and has been developed in a number of ways. After introducing this theory in this chapter, we shall explore in subsequent chapters whether it merits its current popularity.

### The Divine Authority Theory

The first theory of the source of political authority is what I will call the divine authority theory. On this view, a ruler has legitimate authority to govern people if and only if that authority in some way comes from the authority possessed by God, whose rule over human beings is supposed to be unquestionable. Of course, where God's authority comes from is an interesting question: Does he rule only because he is supremely mighty—so that in God's case, at least, "might makes right" after all? Or does he rule because he is supremely good, in which case his authority comes from his goodness? Or does he have an authority over us that is somehow fundamental and intrinsic to his nature? Whatever the explanation of God's authority, the theorist who advocates this view maintains that

God's authority (whatever its basis) is in some way the source of any authority that a political ruler possesses over his people.

Historically, there were three basic ways in which a ruler's authority was "derived" from God.<sup>6</sup> First, the ruler could turn out to *be* God in human form. It was not uncommon in the ancient world for rulers to proclaim themselves to have divine status.<sup>7</sup> What better way to establish your divine authority to rule than by proclaiming yourself to *be* the divine authority? Call this the "ruler is God" view. Second, if the people to be ruled would take such a proclamation to be dubious (or blasphemous), the rulers often tried arguing that even though they weren't God, they were (in some way) related to God or had (to some degree or other) divine status, and in this way partook of the divine authority to rule. There were a number of ways that rulers made this connection with the divine: For example, in Egypt there are written and pictorial documents declaring that any person who is the legitimate king of the people is someone who is the son of a god by union with the royal mother; in Sumeria some kings claimed divine status by calling themselves "husbands of goddesses"; and in both realms kings often claimed they were nourished with divine milk.<sup>8</sup> Call this the "ruler is related to God" view.

But the third and probably most common way that rulers appealed to the divine as a basis for their own authority was to admit their full humanity but argue that they had been *given* the authority to rule by God. This view is known as the "divine right" view of political authority. Such a view was invoked in biblical times by rulers of the kingdom of Israel (many of whom were priests and ruled as priests) and in medieval times by the popes of the Christian Church, who argued that by virtue of being God's vicar on earth, they should have not only religious authority but also political authority over all of Christendom. In early modern times, the kings and queens of European states maintained that it was not the pope but *they* who had been authorized by God to rule over their particular kingdoms. An especially prominent form of this theory, called the "divine rights" theory, famously advocated by the seventeenth-century writer Robert Filmer in *Patriarcha* (c. 1635),<sup>9</sup> derived the authority of the monarchs of Europe from the (supposed) original granting of political authority by God to Adam in the Garden of Eden. On this view, Adam bequeathed that authority to his descendants, and by tracing that bequeathal down through the ages, one would find that it has descended to the present monarchs of Europe. So Filmer makes God's authorization of any current ruler indirect, since the authorization is understood to be bequeathed to him or her from the previous ruler. On Filmer's view, only God's authorization of Adam was direct. Filmer's theory of political authority is also part of a larger theory that explains all authority as coming

from God, including the authority of parents over children and husbands over wives.<sup>10</sup>

There were, however, obvious problems with the idea of divine authorization, the most obvious being that the current monarchs of Europe were all descendants of people who had usurped power from the "rightful" kings of their day. The only way to consider the usurpers and their descendants divinely authorized to rule was to believe that God sometimes withdrew his authority from sitting monarchs and gave it directly to another, better candidate for rule (who could then bequeath that authorization to his descendants). Indeed, contra Filmer, some kings insisted that the authorization of every monarch is always direct: For example, King James (James VI of Scotland and James I of England [1566-1625]) instructed his son, the future Charles I, "God has made you a little god, to sit on your throne and rule men."<sup>11</sup>

An important aspect of any claim to divine entitlement to rule was the *kind* of authority that this entitlement was supposed to give the ruler. If one gets one's power from God, one would seem to be able to claim the right to act like a god on the throne, and so Filmer argued. Of course monarchs were supposed to be concerned with the welfare of their subjects; after all, God is the father of all peoples, and hence many divine rights theorists believed along with Filmer that a godlike king would also use his absolute authority in a fatherly way (although note that female rulers would dislike such a characterization, along with the title of Filmer's book, *Patriarcha*).<sup>12</sup> Nonetheless, this fatherly concern was still thought to rest in the hands of a person vested with absolute authority. In the words of King James: "Kings are justly called Gods, for that they exercise a manner or resemblance of Divine power upon earth. For if you will consider the attributes of God, you shall see how they agree in the person of a King."<sup>13</sup>

Strong words, considering that two such attributes are omniscience and omnipotence! Even more striking, advocates of the divine authority theory were prepared to consider human beings *slaves* to their divinely appointed kings. John Locke paraphrases Filmer's position as follows: "Men are not born free, and therefore could never have the liberty to choose either Governors, or Forms of Government. Princes have their Power Absolute and by Divine Right for slaves could never have a Right to Compact of Consent. Adam was an absolute monarch, and so are all Princes ever since."<sup>14</sup>

So these divine rights theorists insisted that even if kings weren't literally gods, they still had the same kind of authority that God has. Unsurprisingly, these theorists balked at the idea that the enslaved subjects of such a king could ever have the right to rebel against and replace their divinely appointed king: Only God was taken to have the right to review and withdraw authorization from a ruler.

Although there are still parts of the world in which some variant of the divine authority theory survives (e.g., in Morocco),<sup>15</sup> in our time this theory of political authority has been largely rejected (so, for example, in today's Britain, no one considers Queen Elizabeth II or her son Charles "little gods"! ). This is, in part, because the beliefs that many modern people hold about religion generally do not support such a theory. But the theory has also been rejected by many devoutly religious people, and many religious people in the seventeenth century were among its most prominent critics. (For example, John Locke, who was an orthodox Christian, became one of Filmer's chief opponents.) Aside from shifts in religious views, there are two reasons why the theory's popularity has plummeted.

First, the claim to divine authority is empty, in the sense that it is easy for anyone to make but impossible for anyone to prove. I can "feel" divinely authorized, but does that mean I am? Someone can proclaim that she has received divine authorization, but does that mean she has? If there are a number of claimants to divine authorization, would we ever be able to tell who really had it? In fact, throughout history such claims have often been contested, with both sitting monarchs and those who have rebelled against them declaring possession of God's right to rule. Since anyone can make such a claim but no one can prove it, how can it be effective in establishing authority? We need proof of such a claim to believe that it establishes political authority, and no such proof seems to exist. Of course successful usurpers to a throne can claim that the very fact that they were victorious over the sitting monarch shows that God has authorized them to rule. On this view, even if might doesn't make right, it does reveal right. Yet because on this position God's authorization exactly tracks political power, skeptics can insist that it is political power and not any supposed (and unheard) directive from God that is the real indication of political authority. Moreover, if we believe that certain successful usurpers may nonetheless *not* be rightful rulers despite their victory over the sitting rulers, then we will reject the identification of God's authorization with such success. And once we do so, then whenever there is a competition among two or more people for political power, we seem to be left with no way of knowing which candidate is God's choice.

The problem of establishing who has God's authorization has never been satisfactorily resolved, with the result that the divine authorization theory is empty: That is, it fails as a theory that would tell us who has political authority. Moreover, since all of us (regardless of our religious beliefs) make judgments about who has political authority and who doesn't, we can't be using the (empty) divine authority theory when we make those judgments. So the theory also fails as an account of the ideas people actually rely upon (regardless of their religious beliefs) when they are de-

termining whether or not someone who exercises political control has the authority to do so.

Second, the idea that political authority is received from God has tended to encourage in some rulers the thought that because their authority comes from a divine source, that authority is absolute, meaning that it is unlimited in scope and content. This conception of the nature of political authority has been (often bitterly and violently) attacked in the modern world, insofar as it is easily used to license the worst abuses by rulers. While many rulers who accepted this view, particularly in the medieval and early modern periods, believed that their divine authorization obligated them to be stewards rather than masters of their subjects, there were also kings, such as King James, who took themselves to be "little gods" with the authority that was godlike in nature. Such rulers accepted a theory of the extent and nature of political authority that recognized few, if any, limits. Hence many political theorists in both the ancient and modern world (including Plato, Aristotle, Locke, and Hobbes—all of whom professed belief in God) disliked the divine authorization approach because it could be dangerous in the hands of unscrupulous or evil rulers. People began to look for a theory of authority that acknowledged what they took to be the very real limits on a ruler's authority—limits that could not be effectively acknowledged in a theory that saw kings as "little gods."<sup>16</sup>

For these reasons, the divine authority theory has few advocates today.<sup>17</sup> We must look elsewhere for a theory of political authority that can meet the anarchists' challenge.

### Natural Subordination

Consider the way in which many people see themselves as entitled to control what they regard as "their" animals, such as pets or herds of cattle, horses, and so forth. Animals are generally considered to be creatures that can be owned, or possessed, by human beings. Most people do not attribute to domestic animals any inherent right to independence or any "say" in how a family or a farm operates. Instead, most (albeit not all) people take it for granted that animals are not our equals. There are two types of theory setting out the nature of our unequal moral relationship to animals:<sup>18</sup> One considers human beings keepers or stewards or custodians of animals, the other considers us their masters, entitled by our superiority to dominate them. According to the latter view, animals' inferior reasoning abilities make it both possible and permissible for us human beings to control them and (at least sometimes) use them for our purposes. This view doesn't deny that we have moral obligations to our animals—making it wrong, for example, to gratuitously torture them. But despite disagreements about the nature and extent of our obligations to-

ward animals, people who accept this "domination" view believe that by virtue of the fact that animals are our "inferiors," we have a right to dominate over them, own them, and use them for morally permissible ends (e.g., for companionship or food).

This is an instance of the belief in what I call "natural subordination," which I define as the theory that some beings' natures are such that they instinctively do, and ought to, submit to and take direction from other beings whose natures fit them for dominance, rulership, and power. It is a very ancient view: In Psalm 8 God is lauded for allowing the human being, by virtue of his superior nature, to "have dominion over the works of thy hands; thou hast put all *things* under his feet/ All sheep and oxen, yea, and all the beasts of the field;/ the fowl of the air, and the fish of the sea, and whatsoever passeth through the path of the seas" (Psalm 8:6–8).

But can there be natural dominance *within* the human species? That is, can human beings be sufficiently unequal in capacities and talents such that the better-endowed human beings naturally (and inevitably) have dominion over these lesser-endowed human beings in the way that human beings have dominion over an ox or a sheep? The psalm-writer suggests no such thing, but it has been commonplace throughout history to assume that the answer to this last question is yes. And those who do so accept an instance of what I call the *natural subordination theory of political authority*. In this view:

A person type  $x$  has authority over a person type  $y$  if and only if  $ys$  have a nature that makes them fitted to take direction from  $xs$ , and  $xs$  have a nature that makes them fitted to give direction to  $ys$ , such that we can say the nature of  $xs$  fits them for rulership and dominance over  $ys$ , and the nature of  $ys$  fits them for governance and domination by  $xs$ .

Institutions such as slavery, racism, and the subordination of women have all been justified on the basis that those being ruled are inferiors who are naturally—and rightfully—dominated by their betters. Conceptions of how that domination should be construed have varied: Sometimes the inferior has actually been allowed to be owned (as property) by the superior (e.g., in systems of slavery, which can vary in how much control the master has over the slave by virtue of owning him); other times the inferior is merely controlled by the superior, who is taken to be more like a guardian or a trustee than a master (for example, in nineteenth-century Britain married women were not allowed to have property in their own name, so that any property left to them would have to be administered for them by a male trustee).

There are two questions this theory raises. First, is there really the kind of substantive inequality among human beings that consistently results in

the superiors' dominating inferiors? This view assumes that the biology of the human species is such that each of us is born with traits that, when developed, determine in any relationship with another human being whether we are dominant over the other or else dominated by the other. (For example, a male slave may have traits such that he is viewed as naturally dominated by his master but naturally dominant over his wife.) Nonetheless, as I shall explore later in this and the next chapter, there are many theorists, particularly in modern times, who have attacked the factual assumption that there is substantial inequality among human beings. If that assumption is wrong, this theory of authority collapses.

Aside from this issue, the second question this theory must address is *why* natural superiority entitles someone to dominate over an inferior, and *what sort of* natural superiority does so. Even if there is substantial inequality among people that results in the inferiors' being dominated by the superiors, that alone is *not* sufficient to explain why the superiors are supposed to be *entitled* to dominate over the inferiors. Just because they will dominate (unless stopped from doing so) doesn't mean that they may, or ought to, do so. So we must understand the difference between a (mere) *descriptive* account of the origination of power relationships among human beings and a *normative* account of these relationships that establishes their legitimacy. Descriptions merely tell us what these relations are and where they come from: That is, *descriptive accounts* tell us what is. Normative accounts tell us why these relationships are justified and hence ought to prevail: That is, *normative accounts* tell us what ought to be. So to be effective as a theory of political authority, the natural subordination theory must add to its description of some people as the "natural" rulers of others a normative argument to the effect that this rule is somehow good or right. It is only when a rightful entitlement to rule is established that this theory can genuinely be said to offer a theory of authority: Without establishing it, the most it offers us is an explanation of the generation of power relationships, not an account of their legitimacy.

There are two ways of developing such an account. The first involves arguing that nature itself provides the entitlement. On this view, insofar as such dominance will occur in nature, it is therefore justifiable: There is no more reason to object to the dominance of superior human beings over their inferiors than there is to object to the dominance of a queen bee over her worker bees. The idea is that all of us, given our (biological) natures, will tend to accept certain roles in our dealings with other members of our species, meaning that power relationships in a political society are simply the expression of these roles, in just the way that hierarchies within certain animal species are expressions of the natures of these animals. Thus to say that among human beings it is "natural" that some of them dominate others is to advocate the acceptance of a principle of governance provided by nature itself. Stating this principle of governance is

tricky: Consider that those who take this view cannot maintain that inferiors are *unable* to dominate their betters, because rebellion of people taken to be "inferiors" against those taken to be their "betters" happens all the time (e.g., when women ascend to the throne or blacks seize power from whites or peasants wrest political control from the nobility). Since this view cannot deny the reality of such events, it has to regard them as aberrant, abhorred by nature, and doomed not to succeed for very long given natural features predisposing the inferior group to behave in ways ultimately incompatible with dominion.

The idea that built into nature are laws or rules about who should rule is very old—evident, for example, in Shakespeare's play *Macbeth*, in which the natural principles of rulership are flouted and an offended nature takes revenge on those who tried to defy it. Thus after the main character, Macbeth, who seeks the throne of Scotland, kills the ruling king in the middle of the night (stabbing him while he sleeps), nature itself is affected; two characters in the play who do not yet know about the murder comment the following morning on how strange the night had been:

*The night has been unruly: where we lay,  
Our chimneys were blown down; and, as they say,  
Lamentings heard i' th' air: strange screams of death,  
And prophesying with accents terrible  
Of dire combustion and confused events  
New hatch'd to the woeful time: the obscure bird  
Clamour'd the livelong night: some say, the earth  
Was feverous and did shake.<sup>19</sup>*

This way of thinking about the world mixes facts with norms: The world is a place where the relationship of objects, living and nonliving, is fixed by rules about what "ought to be"—rules that nature is prepared to enforce in its own way. So on this view, those who fail to respect the natural rules of domination will, like Macbeth, be thwarted and punished by the world they seek to defy. The idea is that just as there are physical laws of nature, there are political laws of nature that invariably determine political hierarchies in human communities.

This view of nature is antithetical to the view of the world taken by modern science. Biologists today, for example, do not think that within any species nature provides its members with a "right" way to behave or operate, and they certainly deny that the world contains any normative principles about who "ought" to rule over whom. And when biologists' studies of various species frequently involve statements concerning which gender of the species is dominant, they do not purport to establish the dominance as "right" or "justifiable" by virtue of some fundamental natural order. So, for example, even if in the hyena species females tend to

dominate over males, that fact does not mean, for the biologists who study them, that they *ought* to do so or that nature has ordained (and will also enforce) that dominance. Still, even if the idea that entitlements to rule are carried *within* the natural order is unbelievable to many people who live in the age of science, this way of responding to the world has currency among some people in our world, for example, those who have objected to certain forms of procreation (e.g., artificial insemination) or certain kinds of sexual practices as “unnatural”—that is, in violation of “nature’s laws.” Consider also those who defend certain sexist practices as arising from the “natural” domination of men over women; such views assume that nature has within it certain rules that should govern our behavior and institutions.<sup>20</sup> (Indeed, even the common idea that we are all “naturally equal” is a violation of a scientific conception of the world, if this is taken to mean that nature has within it some kind of moral principle that makes us all equal.)

However, the natural subordination theory can also explain the authority of the superior over the inferior in a second way, such that it is consistent with a more scientific view of nature. On this view, an inferior ought to be subordinated to a superior if and only if the nature of the inferiority is such that the inferior and/or the community of which he is a part would, on the whole, be *better off* if his actions were subject to the control of the superior. Thus, for example, if the inferior were unable to reason well, one might argue that both he and the community of which he is a part would be better off if he were subject to the control of someone who was able to reason well; such a rational superior could direct him to behave in ways that would ensure his safety and the safety of others and help him to satisfy his desires and achieve his plans better than he would be able to do on his own. In view of the fact that this argument derives the naturally superior person’s authority to rule from the good consequences that he takes to follow from such rule, I call it a “consequentialist” argument for natural subordination.

This second explanation is suggested in the work of Aristotle, whose *Politics* is one of the great classics of Western political philosophy. Although Aristotle was not mainly interested in developing a natural subordination theory of political authority in that book—and actually suggests a quite different, consent-based justification of authority in most of it (which I discuss later in this chapter)—he does believe that natural subordination exists and suggests that such subordination is justified by virtue of its good consequences for all concerned. Aristotle recognizes two forms of natural domination: the domination of the (natural) master over the (natural) slave and the domination of men over women. Both forms of domination presuppose the idea that some human beings, in particular those with “slavish” natures and those who are female, are unable to rea-

son effectively about the world, and it is in virtue of that deficiency that they must be subordinated to the control of others, both for their own good and the good of the community.

Natural slaves, according to Aristotle, are those whose reasoning is quite radically deficient. Although they partake of reason sufficiently to qualify as human, they do not partake of it sufficiently to make it desirable that they rule their own lives: “Whenever there is the same wide discrepancy between human beings as there is between soul and body or between man and beast, then those whose condition is such that their function is the use of their bodies and nothing better can be expected of them, those, I say, are slaves by nature.”<sup>21</sup>

A natural slave “participates in reason so far as to recognize it but not so far as to possess it,”<sup>22</sup> by which Aristotle seems to mean they have sufficient reasoning ability to obey commands issued to them but not sufficient reason to formulate rational imperatives on which they can act. Aristotle also speaks of these slaves as lacking “deliberative capacity.”<sup>23</sup> Such people are natural order-takers; that is, they do not have the rational capacity to give orders about what to do either to themselves or others. Hence they naturally gravitate to and even welcome (i.e., accept as an appropriate and good thing) the control of those “higher” human beings whose reason is sufficiently developed to enable them to construct and follow rational plans for living.<sup>24</sup>

But Aristotle wants to claim that this dominance is not merely inevitable but a *good thing*, for both master and slave. It is easy to see why it is a good thing for the master: He gains a kind of “living tool” that he can use to achieve his ends. Some apologists for slavery subsequent to Aristotle also thought it was a role that morally improved the one who played it: Said one nineteenth-century American southerner, “It has been frequently remarked that slavery tends to exalt and refine the character, and that the class of our people referred to are generally more elevated in their sense of duty, more polished, than any other portion of our population.”<sup>25</sup> In light of the kind of abusive treatment that many slaves received at the hands of their masters, such an assertion seems morally absurd, even sickening, to us today. But it is certainly an assertion that supporters of slavery *wanted* to believe in order to reconcile themselves and others to the institution.

How is slavery good for the slave? Aristotle explains that the slave needs the master because his own reason is insufficient to develop a life plan. By participating in the life plans of the master, he is enabled to pursue projects he could not pursue using his own reason, in a way that will be safe and effective. As a result, the slave comes to see himself as an extension of the master who benefits when the master’s plans are pursued well. He therefore has every reason to follow the master’s plans conscien-

tiously: "The slave is in a sense a part of his master, a living but separate part of his body. For this reason there is an interest in common and a feeling of friendship between master and slave, wherever they are by nature fitted for this relationship."<sup>26</sup>

In other words, the slave *needs* the master to direct him because he can't do it himself. And he will welcome the direction when he gets it because he will see how it provides him with a rational control that he is unable to provide to himself, thereby enabling him to secure his own well-being, which he could not do alone. So the superior rational master, on this view, is entitled to rule substantially deficient reasoners because of the way in which such rule is likely to produce good consequences. Indeed, Aristotle suggests that natural slaves will actively seek subordination in virtue of its good consequences unless they are in some way prevented from doing so. This thesis was elaborated upon by American supporters of slavery in the nineteenth century, who maintained that the American institution of slavery also improved the moral character of the slave by "civilizing" him, converting him to Christianity, and providing him with constraints that kept him on a moral path: "The moral influence of slavery upon those subject to its obligation, may be perhaps ascribed to the fact, that the slave has, in that condition, nothing to tempt or urge him into immorality, and every thing both in hope and fear, to restrain him from it."<sup>27</sup>

Again, such sentiments strike modern readers as fantastic and offensive. But notice that neither Aristotle nor the American apologists for slavery ever suggest that if in a particular case these good consequences don't occur, the slave is entitled to "rebel" against the inadequate rule of his master. It is the entire practice of mastery that is legitimated by the good consequences produced by that practice on the whole, so that even if some masters do not rule their slaves well, nonetheless they still have the right to dominate them because the system of natural slavery is legitimated by its *overall* good consequences for both master and slave. That it was also a social system vital to the functioning of economies like that of Athens or the American South is surely a major reason why the institution was supported in these places, but the argument that Aristotle and American advocates of slavery make is that the institution is also on the whole *just* by virtue of the fact that (usually, albeit not always) it effectively responds to and meets the needs of very different kinds of human beings.<sup>28</sup>

Finally, Aristotle insists that the system of natural subordination is good for the community, as well as for the individual masters and slaves. For if the slaves are prevented from assuming their subordinate role and unnaturally thrust into the role of master, Aristotle says that calamity will follow. In book 2 of *The Politics*, Aristotle discusses those states which have encouraged inferiors to rule and reviews (what he takes to be) all the

bad consequences that have followed from such rule. A social system that encourages the wrong people to take control will, he implies, be disastrous economically, militarily, culturally, and legally for everyone, especially for those who have been wrongly encouraged to think that they are able to reason well enough to govern themselves and others.

Aside from slavery, Aristotle recognizes another category of dominated persons—women. According to Aristotle, those women who do not already qualify as natural slaves have full rationality, the same as their non-slavish male counterparts, so that he says the "deliberative faculty" is present in women, but not in slaves. However, although it is present it is not, he says, "effective."<sup>29</sup> Aristotle says little about what he means by this word, but scholars have generally interpreted him to mean that women's reasoning is constantly "overruled" by passions or emotions, making it unable to govern. So whereas slaves are missing the capacity to rationally direct their lives, on this view women have that capacity but (given their natures) continually find it disrupted and thus ineffective. Assuming that only reason and not passion can direct people toward the good, Aristotle concludes that by virtue of being unable to rely consistently on their reason, women need (and are supposed to welcome) rule by those whose nature is such that reason continually dominates. For just as it is good for domesticated animals to be ruled by men "because it secures their safety,"<sup>30</sup> so, too, it is good for women to be guided and protected by men to ensure their safety: "Again, as between male and female, the former is by nature superior and ruler, the latter inferior and subject."<sup>31</sup>

In a sense, Aristotle's argument portrays women as permanent children. It has been relatively uncontroversial in all times and places that parents have authority over children insofar as the latter are deficient in ruling themselves through reason because they lack the experience necessary to draw rational inferences or because they lack the intellectual development necessary to perform various sorts of reasoning or because they are easily swayed by emotions or passions. Aristotle is in effect saying that female children never actually rid themselves of these immaturities, necessitating their subordination to free male adults who do achieve rational maturation.

Down through the ages the supposedly bad consequences that would follow from allowing women to rule have often been cited as a reason for their subordination, although often those constructing it have emphasized other supposed weaknesses of females besides the ineffectiveness of their reasoning ability (e.g., their supposed timidity, tendency to panic, dislike of public participation, or lack of aggressiveness). This is true, for example, of John Knox, whose (remarkably titled) "First Blast of the Trumpet Against the Monstrous Regiment of Women" (1558) argues that:



"To promote a Woman to beare rule, superioritie, dominion, or empire above any Realme, Nation or Citie, is repugnant to Nature, contumelie to God, a thing most contrarious to his revealed will and approved ordinance; and finallie, it is the subversion of good Order, of all equitie and justice."<sup>32</sup> Knox insists that "nature" (as ordained by God) has disabled women from having ruling authority not so much by disabling their rational abilities but by depriving them of virtues that are essential to good rule: "Nature, I say, doth paynt them further to be weake, fraile, impatient, feble, and foolishe; and experience hath declared them to be unconstant, variable, cruell, and lacking the spirit of counsel and regiment."<sup>33</sup> Similar sentiments were expressed in the eighteenth century by the French philosopher Jean-Jacques Rousseau, who argues that the ideal education of females should make them cheerfully and readily accept their subordinate role to men—a role he argues their vice-ridden nature fits them for.<sup>34</sup>

While few people today accept the idea that some people are so deficient in reason that they qualify as natural *slaves*, there is still widespread support for the idea that some groups of people ought to dominate others by virtue of these others' inability to rule themselves well. Such arguments are often mounted to justify control of women by men and of some racial groups by other racial groups (e.g., blacks by whites). The details of these arguments differ, but the gist of all of them is that in virtue of one or more deficiencies possessed by some group of people, it is both possible and desirable that persons without this deficiency have control over them.

Even though appeals to the idea of natural domination continue to be common in our world, they are also under attack. To be told that one is a member of a group that is seriously deficient and, in virtue of that deficiency, in need of being governed by a kind of caretaker who is from a superior group is deeply insulting to most human beings, often prompting anger and even violence against those who have delivered the insult. To be told, as Aristotle tells women, that one is permanently childlike and in need of a male father all one's life is to experience paternalism of the worst sort. To the extent that the idea of natural dominance is institutionalized and rendered part of the social or political system of the community, for example, via Jim Crow laws or sexist prohibitions on employment, it becomes an "insult" that shapes people's life prospects and affects their chances not only for happiness but also for living lives of dignity and respect.

But aside from the fact that this is a view many people today hate, why is it wrong? There are two reasons it has been widely rejected as not credible. First, critics of natural subordination insist that all the evidence suggests that people are actually equal *with respect to those properties relevant to*

*governance*. Consider that the kind of inequality that is taken by supporters of the view to justify subordination of some by others is rarely defined with any precision, so that mere hand-waving about "inequality" or "differences" is often all that makes the case for dominance of one group by another. Now while it is undeniable that some people are smarter or more virtuous or stronger than other people, these differences by themselves do not seem relevant to establishing political domination. Think, for example, of all the ways in which people are different from one another, physically, mentally, and temperamentally. If someone has greater muscle strength than another, does that mean he gets to rule the other? No: Arnold Schwarzenegger is not considered, by virtue of his physical prowess, a political authority. How about intelligence? Should Albert Einstein's superior intelligence have entitled him to rule? No: That intelligence was usefully directed at understanding the world, and we do not think that by virtue of having it Einstein did or should have been granted political authority. Nor does extraordinary beneficence or superior bravery grant one political authority: Mother Theresa and Alan Shepard are good and brave people, but those attributes don't confer on them automatic entitlement to rule the rest of us not-so-good, not-so-brave people.

A natural subordination theorist (such as Aristotle) ought to agree with all this. His view is not simply that "better" people get to rule over "worse" people but rather that people better *in a certain way* are entitled to rule other people who are deficient *in a certain way*. And the most plausible candidate for the capacity that marks who should rule and who should be ruled is the capacity to rationally direct one's own life. So, for example, Aristotle, who admits that the free males who compose the class of natural masters differ from one another in virtue, intelligence, talent, and physical ability, nonetheless still insists that these differences are consistent with their *political* equality, because these people are, in his view, equal with respect to the one characteristic that matters to the issue of natural subordination: namely, the capacity for rational self-direction. Thus even if there were a free male in ancient Athens who was cowardly or rather stupid, Aristotle would still take him to be the equal of braver and smarter free men with respect to that capacity—the only politically relevant capacity. Aristotle would not advocate that such a person be made a general of the army or put in a position requiring substantial intellectual skills, but he would not place him in the category of people who were naturally subordinate to others, because such a person still has the capacity to rationally direct his life, making him "his own master."

Most natural subordination theorists other than Aristotle neglect to note that *only a certain kind of inequality* will suffice to ground their argument. Aristotle understands this point and tries to mark out two kinds of incapacities in rational self-direction that would warrant subordination,

that is, an inability to deliberate (the slave's incapacity) and an inability to deliberate effectively (the woman's incapacity). But he fails to prove or establish the reality of either sort of incapacity with respect to these two groups (and also fails to show that the men he would make masters are not prone to either sort). Moreover, he fails to legitimate the existing practice of slavery in his time, because the economic tasks that women and slaves had to perform in the societies Aristotle knew require possession of just the sort of effective deliberative faculty that entitles them to political equality.

This last point is worth elaborating upon. With respect to slavery, Aristotle's problem is this: How can a slave have enough rationality to be a human being and to be capable of performing the many tasks (sometimes involving intellectual skills) required of a slave and yet have no self-direction? (A severely retarded individual might not be capable of rational self-direction, but note that he would not be useful as a slave either.) Many scholars of Aristotle's *Politics* have argued that Aristotle's doctrine of natural masters and natural slaves is internally inconsistent. A slave is supposed to have enough reason to understand and obey a rational directive, but if he has so much rationality, isn't that sufficient to allow him to construct such directives himself? Aristotle is walking a theoretical tightrope—trying to argue that there are human beings who have enough rationality to be of instrumental value to others but not enough to enable them to direct their own lives effectively or safely. Whether or not he is able to stay on that tightrope or falls off into inconsistency has been the subject of scholarly debate.<sup>35</sup> But given that Aristotle's ultimate motivation is to defend an institution of slavery that can serve the economic needs of his time, he must be considered to have failed, because Greek city-state economies required slaves to perform quite complicated tasks for the economic good of the city, tasks that required too much rationality and self-governance to make plausible the claim that one who could perform them was incapable of governing himself. Moreover, Aristotle faces the same problem with respect to women: How can he establish that women are any more likely to make mistakes about how to plan their lives and direct their actions than men, or have insufficient capacity to rationally direct their lives (as Plato believed of many), when Aristotle must rely upon women to rear the free male children in Athens so as to be capable to assume a leadership role in the city? Again, Aristotle seems to require that the group he wishes to subordinate, in this case women, has the rational self-direction necessary to perform certain tasks vital to the city, even while he denies them that capacity in his argument for their subordination. This kind of inconsistency makes the arguments of Aristotle and other natural subordination theorists look suspiciously like arguments

designed (with a certain amount of bad faith) to keep the ruling group in power.

As I noted earlier, Aristotle also fails to defend his claim that certain groups of people are inferior to others. Indeed, it is common for natural subordination theorists not even to *offer* proof that the particular group whom they wish to see subordinate actually is inferior in some particular way. So, for example, tracts written to defend the institution of slavery in America rarely if ever bother to show proof that those people who were slaves were, in some specified sense, "inferior" to those who ruled them. Knox and Rousseau confidently assert what women are like without any shred of empirical support. A dominant group's unsupported claim to the effect that "we all know what those people are like, and they are not as good as we are" is, once again, evidence that their argument is based more on wishful thinking and the desire to preserve power than on concrete evidence that the subordinate group needs or requires their rule.

Perhaps fearing the weakness of their empirical claims, supporters of natural subordination have frequently contrived to arrange the environment of those whom they wished to dominate, so as to try to make them into "inferior" creatures who would appear to need and who would accept and welcome such domination. By working to ensure that the class of people they wish to dominate has poor nutrition, poor educational opportunities, poor housing, little or no access to decent jobs, and so forth, they have attempted to turn these people into the sort of human beings that at least appear to need direction from others "for their own good."<sup>36</sup> It might be thought of as a kind of "protection racket" used by dominators against those whom they wish to subordinate. This protection racket can be hard for some people in the society to see: They may rightly attribute a failing to members of a certain group and claim that this is part of that group's "nature," not realizing that it is due to environmental circumstance.<sup>37</sup>

So what are the *facts* about our relative equality with respect to the one feature that is relevant to subordination, that is, the capacity for rational self-direction? According to virtually all modern moral and political philosophers, the facts are that with respect to this capacity we are all roughly equal, so that there is no significant difference among human beings that allows or justifies some of them to be ruling caretakers of others. "All men are created equal," proclaims the American Declaration of Independence, and it is a proclamation of the idea that "men" (generally understood to refer to all human beings)<sup>38</sup> are similar enough with respect to this single politically relevant characteristic that no group can be justifiably subordinated to any other. This modern view is based in part on what its proponents will claim are empirically confirmable facts: That is, they will insist that both observation and the experience of modern

democracies show that despite all sorts of differences among us in physical abilities, mental abilities, temperament, and so forth—from skiing to doing mathematics, from musical talent to carpentry skills—there is no group of human beings (outside of those who are small children or severely mentally retarded or comatose or seriously mentally ill) who are so deficient in reasoning skills, life experiences, or ability to control passions that they cannot direct their own lives and must be subject to the direction of others. So we find women and men of all races, classes, and religions choosing how to lead their own lives and taking responsibility for doing so, voting successfully in democratic elections, raising children, earning money, and so on. The failure of some to lead lives that others would regard as “successful” (e.g., because they break laws or become impoverished or experience misery) is not a failure distinctive to any particular group of human beings. Moreover, I would argue that such a failure cannot be construed as arising from inferiority with respect to the *capacity* for rational self-direction but from the person’s free choice to live a certain kind of life, for which we hold him or her morally responsible (in a way that we would not, and should not, do of a genuinely mentally incompetent person).

So on this view, even if there are substantial differences in physical or mental abilities among human beings, none of these has *political significance* because all mentally healthy adults are capable of rational self-direction and thus roughly equal in at least this area. Given this equality, the modern view is that there is no basis for any “natural” domination of some people over others. The acceptance of this view means that the natural subordination theory fails as an account of political authority because the view requires an inequality with respect to a certain natural capacity among healthy adults that simply doesn’t exist.

Moreover, because it has become commonplace to accept the equality of rational self-direction, those who defend the sort of modern democratic regime in which most readers of this book are likely to live tend (usually vociferously) to reject any form of the natural subordination theory, even if some within those regimes are attracted to it and support vestiges (some of them considerable indeed) of the would-be dominators’ protection rackets in those societies (e.g., racist and sexist practices that prevent people from enjoying equal opportunities in the society). The egalitarian underpinnings of these democratic states, argued for by opponents of natural domination as diverse as Thomas Hobbes and Thomas Jefferson, are clearly at odds with the assumptions of natural inferiority and superiority that are the foundation of the natural subordination view.

So the natural subordination theory also fails as a theory of political authority, which means that we still don’t have an answer to the anarchists’ worries. Hence if we are to understand and appraise the justification of

political authority, particularly in modern democratic societies, we will need to look for a justification of political authority very different from that provided by the natural subordination theory, one that accepts a far more egalitarian conception of the ability of human beings to direct their own lives.

### Authority from the Good

The third theory of political authority we will consider was originally advocated by Plato and historically called the *perfectionist theory of political authority*. This theory is an instance of a more general thesis about authority, namely, that a person has authority over another in any area if and only if that person has greater knowledge or expertise than the other person does in that area. According to this view, the authority of the parent over the child, the authority of the teacher over the student, and the authority of the scholar in her field over those who are not in that field all rest on the authoritative person’s claim to superior knowledge. Similarly, argues the perfectionist, the authority of a ruler over the ruled can only be justified (and can only really exist) if the ruler has superior knowledge—of a specific sort.

But what sort? According to Plato, the ruler who rules with authority over a community knows how to make that community happy,<sup>39</sup> and he does so by implementing justice in all its affairs. Hence the knowledge of the authoritative ruler is the knowledge that the just man has—or alternatively, what the just man knows is what the ruler who rules with authority knows. So whereas the natural subordination view takes political authority to be invested in a person by virtue of his superiority, the perfectionist view takes political authority to be derived from the Good itself, treating anyone who holds political authority as a (mere) vehicle for the authority generated by the Good.

To explain in detail the features of this view, I will use Plato’s masterpiece, the *Republic*. In this work Plato argues that each human being is composed of three parts: the reasonable part, the spirited part, and the appetitive part. While each of these parts is necessary and valuable for a happy human life, Plato argues that it is nonetheless important that the reasonable part rule the other two parts, else the person will end up out of control, pursuing the wrong things in the wrong way. The appetitive part of us can be wild and lawless,<sup>40</sup> and the spirited part can give rise to uncontrolled outbursts of anger and violence. But the reasonable part, if it is properly developed, can control and moderate desires and soothe the spirits. And most important, the reasonable part can do this, and do it properly, because it is that part of us which has the capacity to gain access to “the Good”—which Plato says all human beings are striving to under-

stand and follow in their lives: "What the good itself is in the intelligible realm, in relation to understanding and intelligible things, the sun is in the visible world, in relation to sight and visible things."<sup>41</sup> So the just man has knowledge of the Good and rules himself via his reason in accordance with the dictates of the Good.

Plato's *Republic* is famous for its creative metaphorical representations of the human pursuit of the Good. There is, for example, the metaphor of the cave developed in book 6, which represents the plight of human beings: It is as if, Plato says, human beings lived in a cave, seeing only shadows cast by the sun but never the sun itself or the real objects casting the shadows that the sun illuminates. The sun represents the Good and the True, and the cave is the world of darkness in which most people, ignorant of the Good and the True, are forced to reside. Plato compares philosophers to those lucky souls who learn how to crawl out of the cave and see the sun directly. But to get out of the cave of ignorance one must learn to reason and thereby come to see things as they are and as they ought to be.

So the rational part of a human being has authority to rule to the extent that it knows or understands what is Good and can direct the person toward it, controlling the desires and the passions so that they help rather than hinder this pursuit. Analogously, a person has authority to rule a community if and only if he or she knows or understands what is good for the community and directs the community toward it, controlling wild or spirited parts within so that they help rather than hinder this pursuit.

Accordingly, on this view, the authority possessed by a ruler or by the rational part of each of us is actually from the object of our reasoning—the Good itself. The rational part doesn't have the authority to rule because it is (in some way) better than the other parts but because it has access to the Good—that is, "that which ought to be." And similarly, the persons who are rational and knowledgeable about the good in the community do not have authority to rule because they are "better" than other people but because they know, and can implement, "that which ought to be."

Clearly, this theory of political authority presupposes that there is an objective good to which all human beings are subject and that is capable of discovery through reasoning. Plato is no moral relativist. His view assumes that there are standards defining how people should interact with one another in a human community, where these standards are ones all of us should aspire to meet, exist independently of us, and define the content of just laws. He is also not an egalitarian: Not all human beings are able to achieve the knowledge of the just man, and those who cannot are those who must be subject to the rule of one who understands what the Good is and can control his desires and passions so as to pursue it effectively.

Indeed, Plato extends the analogy between the soul and the state by explaining that just as there are three parts to the soul, there are also three parts to a human community: the rational part, from which the rulers (called guardians) are drawn; the spirited part, from which the warriors are drawn; and the appetitive part, whose members make up the bulk of the population and are the community's craftsmen, farmers, and so forth. Plato compares each of these groups to different metals in order to represent their different importance and role within the community: The rational part is like gold, the spirited part like silver, and the appetitive part like iron or bronze.<sup>42</sup>

However, Plato's inegalitarian views are importantly different from those of Aristotle, and the Platonic theory of authority as arising from the Good is interestingly different from the Aristotelian theory of the natural subordination of slavish-natured people to masterly people. Unlike Aristotle, Plato does not take it that those who are subject to the legitimate rule of the guardian class are like slaves, without any deliberative capacity. Indeed, he even insists in the *Republic* "that the power to learn is present in everyone's soul."<sup>43</sup> What distinguishes the goldlike natures of the guardians from the bronze or silver natures of the other classes is the knowledge of the Good possessed by the guardians, which knowledge the bronze and silver classes have been unable to procure. And their failure to do so does not come from the fact that they are missing any aspect of the capacity to reason but from the fact that in their natures the appetitive or spirited parts can seize control and render the rational part unable to function effectively.

So in a way Plato diagnoses the need some people have to be ruled as arising from the same type of problem that Aristotle says women have, namely, the ineffectiveness of reason in subduing the spirits and passions that tend to usurp its control. So Plato's ruled people are not like Aristotelian natural slaves but like Aristotelian women—that is, they are in need of a ruler to make effective in their lives the dictates of reason that they can recognize as authoritative but cannot directly discover or implement by themselves.

However, most remarkable given the time in which he lived, Plato himself does not agree with Aristotle that all women's reasoning is ineffective, such that they require rule. Indeed, he argues at great length in book 5 of the *Republic* that there are women with the capacity to be guardians, in whom the rational faculty is just as capable of discovering and pursuing the Good as in any (fully rational) man. Plato's belief that the just soul can be present in women as well as men means that he is ready to allow that they can have the authority to rule in a community. It is a notable repudiation of the common belief in the ancient world that women are naturally subordinate to men.

Nonetheless, the most fundamental difference between Aristotle's views on natural subordination and Plato's perfectionism is their differing conceptions of the source of the authority to rule. For Aristotle, the source of the master's or male's rule is his superior rational nature. He has the capacity to reason effectively in a way that is likely to be beneficial, and because of that capacity he is licensed to control those who do not, by virtue of the fact that it is likely to be beneficial if he does so. But note that even if that rule is not beneficial, Aristotle assumes that a natural master is still a master and a natural slave is still a slave. It is the master's superiority and the likely (but not guaranteed) beneficial effects of that superiority that give him authority to rule over deficient inferiors. Hence there is no suggestion in Aristotle's *Politics* that women or slaves can rightfully rebel against the man or the master who controls them if his rule is not beneficial. While the good consequences that arise from the control of superiors over inferiors are important in justifying the practice of mastery, those consequences need not always be present in order for particular masters to have authority over particular inferiors. It is more the (rational) *nature* of the master rather than the actual knowledge he possesses that is the fundamental source of his authority over slaves and women. People who are natural masters may lack all sorts of knowledge and virtue, and yet their authority to rule natural slaves or women persists because they have the *capacity* to be rational (albeit perhaps not the wisdom that reasoning is supposed to yield).

In contrast, for Plato, the license to rule comes (only) from a knowledge that reason gives and not from the (mere) rational faculty itself. That rational faculty is necessary but not sufficient for authority; only actual knowledge of the Good is sufficient. Indeed, Plato maintains that those who have the capacity to be guardians but who nonetheless rule badly because they do not know the Good, do not rule with authority: Such people, he says, only *appear* to be guardians.<sup>44</sup> Hence it is of the utmost importance for Plato that those who have the capacity to be guardians receive a lengthy and effective education, which allows them to learn about the Good and to learn to control themselves so that they can develop just souls. In the end the guardians who actually make the laws for the city and direct its operations will, Plato says, be over fifty, since it takes that long to develop the knowledge and character (with the right temperamental, physical, and intellectual qualities) to lead a community toward the Good.<sup>45</sup> Plato also assumes that if they were properly educated and trained, this elite would be, by virtue of its knowledge, morally pure and incorruptible, an assumption that strikes modern readers as hopelessly optimistic. Indeed, many critics of the *Republic*, including Aristotle, have charged that Plato makes the guardians too "godlike" in their moral purity to be believable, and this may be because he was unreasonably con-

vinced that rational human beings could learn to know the Good in a way that would guarantee the purity of their moral character. One might say that Plato requires of those in positions of authority a knowledge that precludes significant errors of factual and moral judgment, whereas Aristotle dismisses the idea that such godlike people exist and thus links authority with the capacity for wisdom, but not with its full possession.<sup>46</sup>

So in a subtle way Plato's theory is perhaps less elitist than Aristotle's, insofar as it repudiates the idea that one's nature *alone* is sufficient to render one "better" than another and, by virtue of this superiority, entitled to master the inferior. Instead, Plato derives governing authority not from innate superiority but from knowledge. According to Plato, however, that knowledge is possible only for a few, and his comparison of guardian people with gold suggests that he actually thinks the guardian class is, as it happens, better than other classes because its members are more useful (given their ability to direct the community toward happiness) than the members of any other class. Moreover, Plato's insistence on significant inequalities in effective reasoning means he is not egalitarian in any modern sense, and this is certainly one reason contemporary readers of the *Republic* tend to reject his view that an ideal state would be run by an elite privileged in its knowledge claims.

Aside from the offensiveness of the kind of inegalitarianism Plato does endorse, there is the problem of Plato's considerable optimism about the human capacity to know the Good: Modern readers tend to find it wildly unrealistic to believe that there is a person who can be said to have grasped the Good in the way that Plato demands of his guardians. And if no one can be said to have such knowledge of the Good, Plato's theory implies that there is no society now—or ever—in which the rulers have had real political authority. This means his theory forces him to the conclusion that every political regime on earth thus far has been illegitimately coercive, lacking any authority, since it has been ruled by people who have not been fully knowledgeable of the Good. So his theory ultimately collapses as an account of the legitimacy of real states in the real world.

Plato himself seems to be aware of this last problem with his view and in two later political works, *The Statesman* and *The Laws*, tries to develop a way of keeping his knowledge-based theory of authority while allowing that real political regimes can have authority as long as they are in some sense minimally decent. What he suggests in these works is that even if human beings are still individually ignorant of the Good, an authoritative regime is one in which the laws, developed over many generations, approximate justice. So as long as rulers in these regimes implement these just laws, Plato argues that their commands have authority, even if the rulers themselves do not have full knowledge of the nature of justice.

But Plato's modified theory doesn't work either, for how are these authoritative commands generated if there are no experts on justice to generate them? And how are the people to recognize when these commands instantiate justice if none of us qualifies (uncontroversially) as one who knows the Good? So even this modified Platonic theory of political authority seems impossible to apply to our world, given that we human beings do not know, and often disagree about, what the Good is or whether it exists at all. So neither form of Plato's theory succeeds in explaining political authority based on the idea that authority derives from knowledge of the Good, which means that Plato's theory also fails to give an answer to the anarchist.

We return to our original question: Where do actual rulers get their authority to rule? Consider this way of thinking about the question: Wouldn't any ruler in Plato's time or ours have to *convince* those whom she wished to rule that she had the authority to command them, in order to become empowered and to remain in power in a stable political society? She might, for example, convince the people that she was especially wise or morally knowledgeable (something that might or might not be true), but wouldn't the fact that the people were convinced (correctly or incorrectly) that she should rule (on whatever basis) be the source not only of her political power but also of the sense in the community that only she had authority to rule? To put the point succinctly, isn't a ruler's authority traceable to the people's decision to make her authoritative rather than to any (dubious) claims the ruler might make to know the Good or be more rational or be authorized by God? If so, the ruler's authority is actually derived from the people's consent to her rule. As we shall now discuss, such an appeal to the consent of the governed has been the basis of the most popular modern theory of political authority, and it is also an idea that even certain ancient Greek thinkers found attractive.

### Consent-Based Theories of Authority

Both the Platonic and natural subordination theories of political authority are based on the assumption that there are significant inequalities in people's abilities to reason and live well that affect the question whether or not they or someone else will have the right to direct their lives. But what if one believes that people are roughly equal in their abilities to reason and live well? If one is convinced that whatever differences exist among human beings are not sufficient to render some so superior in reasoning or knowledge as to have the authority to rule over others, how does one defend the concept of political authority?

This is a critical question for political theorists in the modern period, almost all of whom repudiated the idea of natural subordination and al-

most all of whom believed human beings were roughly equal in their ability to arrive at knowledge of the Just and the Good. But it was also an important question for Aristotle. For although he recognized the existence of natural inferiors subordinated to natural masters, he also thought that the members of the class of natural masters were roughly equal to one another in their ability to direct their lives through reason. Since this class is fairly large, how do its members become subject to political authority? None of them is significantly superior in reasoning capacities, and all of them have a rational capacity that is roughly the same in terms of its effectiveness in determining action (which is not to say that all of them are equally rational but only that all of them have the same *capacity* to reason and act rationally). So how can we defend the idea that any of these roughly equal people should be subject to a political authority?

Aristotle notes that if there were a human being who was so good and so rational as to be close to divine status, then his superiority in virtue and reasoning ability would be sufficient to license him to rule everyone—including those free (nonslave) men who were themselves masters of natural slaves. This godlike person would be their master.<sup>42</sup> Clearly, Aristotle is adopting a Platonic perfectionist view here. But if no such god-among-men exists (and Aristotle seems dubious about the possible existence of such a divine man), how do we explain the existence and justification of political authority over free (nonslave) men?

In order to answer this question, Aristotle has to develop a new, non-perfectionist theory, since the presumption of the question is that there is no person specially knowledgeable about the Good who can rule authoritatively in the way Plato's theory describes. Without wishing to wade into the complexities of Aristotelian scholarship, I want to draw out this non-perfectionist theory, which I believe many interpreters of Aristotle's work have missed or insufficiently appreciated. As we shall see, this new approach provides the outlines of a consent-based theory of authority. Although that theory is not developed in great detail, we will nonetheless see that its rudimentary outlines are present in *The Politics*, that they build on previous consent-based ideas present in Greek culture, and that they serve as an important source for subsequent consent theorists.

Aristotle suggests in *The Politics* that we should explain the political authority to which these men are subject as something they *create*. This creation process is natural in the sense that, given human interests, it is virtually inevitable that those males who are not slaves will want to create such an authority. As Aristotle explains in book 3, people find that as individuals they are not self-sufficient. They have needs and desires that prompt them to desire association with one another. This is in part so that they can cooperate with one another to secure the necessities of human life and in part because they have affection and, more basically, sexual

needs for one another. Conjugal relations give rise to families, families associate with one another in villages for their mutual advantage, and eventually villages associate with one another to form city-states in order to achieve a community that is self-sufficient: "A state is an association of kinships and villages which aims at a perfect and self-sufficient life—and that, we hold, means living happily and nobly."<sup>48</sup> Moreover, Aristotle takes it for granted that the process of creating a political association involves creating authoritative lawgivers, and presumably this is because in order to work effectively states require laws that are enforced through punishment.

He also says explicitly that the authority to issue and execute laws in a state can vary, recognizing a number of types of political association, called "constitutions," that differ from one another in how the authority to rule is structured and who has it. The people who are involved in creating the state are the ones who decide which kind of constitution to create, and what they decide depends, according to Aristotle, on their particular needs and interests:

A state [polis] is an association of similar persons whose aim is the best life possible. What is best is happiness, and to be happy is an active exercise of virtue and a complete enjoyment of it. It so happens that some can get a share of happiness, while others can get little or none. Here then we clearly have the reason for the existence of different kinds and varieties of states and the plurality of constitutions. Different sets of people seek their happiness in different ways and by different means, and so make for themselves different lives and different constitutions.<sup>49</sup>

In this passage Aristotle clearly signals that both political authority and the form it takes in various constitutions are *created* by those (free men) who will live under them.

Throughout *The Politics* Aristotle works on the assumption that among free men political authority is not based on any natural subordination of some to others, nor on the superior knowledge of some, but on their mutual consent that there should be a particular system of political authority in a state for the mutual benefit of all free men. Their rough equality precludes any of them from claiming to be a natural master of the others (book 3, chap. 3), and that same rough equality means that none of them is so superior in virtue that he should rule (and Aristotle is dubious that any godlike superior of such men exists). Aristotle also argues in *The Politics* (book 3, chap. 15) that many men acting together make better decisions in political matters than even the best man, a claim that assumes that in most human communities the wisdom of any one man cannot be so significantly greater than any other that the wisdom of many men deliberating together will ever likely be exceeded by the wisdom of the very

best person. (Aristotle also argues that the many are less easily corrupted than any single person, an admission that shows a kind of realism about the tempting power of evil that Plato was loathe to recognize.)<sup>50</sup>

We moderns, who are accustomed to reading Aristotle's *The Politics* through the lens of Plato's *Republic*, should not be surprised to see consent-based ideas in Aristotle's work, because such ideas were also part of his intellectual culture. Historians of political theory have shown that in Aristotle's time and during the century or so prior to his birth, the idea that government was not only created but also legitimated by consent was popular. Charles Kahn traces the roots of consent-based ideas back to the time of Archelaus in the middle of the fifth century, and closer to Aristotle's time he finds these ideas not only among pre-Socratic thinkers such as Protagoras but also among playwrights such as Aristophanes in *The Clouds* and Euripides in *Sisyphus*.<sup>51</sup> In the latter play, we find the following passage:

There was a time when the life of mankind was disordered, like the life of wild beasts, subject to the rule of force, when there was no reward for good men nor any punishment for the bad. And then, I believe, human beings established laws for punishment, so that justice might rule and hold crime in subjection, and anyone was punished who did wrong. Then the laws prevented them from committing open deeds of violence, but they went on doing such deeds in secret.<sup>52</sup>

Moreover, as we discuss further in the next chapter, Plato himself suggests consent-based ideas in his dialogue *Crito* and returns to these ideas (albeit without developing them) in other dialogues such as *Protagoras*, *The Laws*, and *Republic*.<sup>53</sup> So Aristotle would have found it natural to take seriously a consent-based conception of state authority (he can hardly be thought to have invented it), and many of his audience would have found those ideas not only familiar but plausible.

Aristotle recognizes a number of different ways in which political authority can be structured within a state. If the people decide to have only one person invested with this authority, then they have created a king, whose regime will be called a *monarchy* if he rules well and a *tyranny* if he rules badly. If they grant that authority to a few people, then their constitution is an *aristocracy* if it operates justly (which generally occurs if the rulers are selected because of their virtue) and an *oligarchy* if it operates unjustly (which generally occurs if the rulers are selected on the basis of their great wealth). Finally, if they invest that authority in all the free men, then their constitution is a *polity* if it operates well (which happens when the society is structured so as to secure virtuous rule) and a *democracy* if it operates badly (and this generally happens if the majority—usually the poor—rule in a way that runs roughshod over the demands of justice).

Note that as Aristotle describes the different kinds of constitution, good and bad, he assumes something that Plato rejects, namely, that even the bad rulers in a given constitution still rule with authority. Since for Plato authority comes from the Good, if a ruler cannot implement the Good, he cannot have authority. But since Aristotle suggests that authority is created by those subject to it, even if a ruler cannot implement the Good, insofar as he is ruling within a system that the people have created, he still has authority. Aristotle's theory allows one to distinguish the issue of whether a ruler has authority from the issue of whether that (authoritative) ruler is ruling well.<sup>54</sup> Whereas on Plato's view someone who rules badly and unjustly simply can't have authority, it makes sense on Aristotle's theory to recognize that the authoritative ruler in a political society can be unjust (although such a ruler should not be surprised if the people decide to take away his authority).

There is a fascinating passage in book 4, chap. 11 in which Aristotle characterizes the nature of a political association as a kind of partnership (*politike koinonia*) that operates best when people are treated equally. This conception of the ideal political society as a partnership among (relative) equals leads Aristotle to conclude that the best form of government is a "polity" in which the many participate in political rule but not in a way that makes the small number of rich hostage to a large number of poor. In a polity resources are distributed so as to maximize the number of "middle" people, that is, those who have a moderate amount of resources and who are neither rich nor poor. Aristotle condemns states that permit substantial inequality of resources because those who are rich act like masters toward their poor brethren, when in fact these poor are not natural slaves but their rough equals. A good state recognizes this equality in a way that facilitates a kind of civic friendship among the citizens:

Sharing is a token of friendship; one does not want to share even a journey with one's enemies. The state aims to consist as far as possible of those who are like and equal, a condition found chiefly among the middle people. And so the best run constitution is certain to be found in this state [polity], whose composition is, we maintain, the natural one for a state to have.<sup>55</sup>

Indeed, Aristotle goes on to advocate the recognition of equality among the citizenry even in a monarchy: "Kingships are preserved by tending towards greater moderation. The fewer those spheres of activity where a king's power is sovereign, the longer the regime will inevitably survive undiminished. They themselves become less like masters, and more like their subjects in character, and therefore arouse less envy among them."<sup>56</sup>

These passages are interesting because they show Aristotle's attempt—relying on a consent-based theory of political authority—to characterize a good political system. In particular, a stable, effective, and just political so-

ciety is one in which the political authority, however it is structured, operates in a way that recognizes the equality between the rulers and the ruled. Although Aristotle insists that there is such a thing as natural slavery, he is even more insistent that the political relationship among people who are equals in their capacity to reason effectively ought to be constructed so that this equality is acknowledged.

So Aristotle's consent-based theory of the nature and source of political authority implies a theory of good government. Political authority is something that is created by relative equals for mutual benefit (note that Aristotle doesn't consider the subordinating relationships between master and slave or between men and women as "political" insofar as they are not founded on equality). And this authority operates well, and achieves justice, to the extent that it treats people equally and fosters relative equality of resources.

However, Aristotle's theory also implies a theory of bad government. Because Aristotle derives political authority from the consent of (free) human beings, it accommodates the idea that there can be such a thing as a "bad" political authority, that is, one that is created by these men and thereby has authority but operates in a way that denies their mutual equality and fails to secure their common good. He would certainly argue that such regimes *shouldn't* receive the consent of those subject to them, but since what people ought to do and what they actually do are two different things, bad regimes are possible if and when they are supported by the consent of the governed. In contrast, Plato's theory of authority as that which arises (only) from knowledge of the Good makes impossible the idea that there can be a "bad" authority. But as we discussed earlier, Plato's view in the *Republic* also makes it difficult to recognize any real-life ruler as authoritative, insofar as no ruler can be said uncontroversially to know the Good completely in the way that Plato requires of his guardians. Aristotle dismisses the idea that such godlike people are likely to live among us (even while acknowledging that if they did, we would "naturally" obey them), and he develops a theory of political authority recognizing the flawed nature of the human pursuit of the Good, the possibility of corruption, and the relative equality of the rulers and the ruled.

So do we now have the outlines of a successful answer to the anarchist? Not yet: an anarchist would complain that Aristotle's development in *The Politics* of the idea that political authority is a human creation by relative equals is far from complete. If not only the state but also the political authority possessed by its rulers is a human creation, from *what* is it created? What "rights" do the people have, such that they can claim to have made one or more of their number into an authority? Do all people in a territory have to consent to the idea that such persons are authoritative in order for them to *be* authoritative (or at least authoritative over them)? If so, how



must this consent be given? If not, how many people does it take to get genuine authorization? And should the consent be understood to come from each individual or from the community, understood as some kind of distinct whole over and above the individuals composing it? Finally, when the people invest such persons with political authority, what kind of authority is it? What is its scope and limit? And when can the people legitimately overthrow or rebel against it?

Only if these questions can be answered successfully can the consent view succeed as a complete theory of political authorization. If they cannot be answered well, the anarchist would seem to be right about the legitimacy of the state, in which case all of us who are subject to political authority would seem to have moral reason to oppose and destroy it. However, all these questions were tackled by early modern political theorists, particularly in seventeenth-century England, who sought to refine and further develop the idea that political authority is the creation of those subject to it. We shall see in the next chapter whether or not their answers to these questions are satisfactory.

### Further Reading

The problem of justifying the state's authority is raised in a classic essay by G.E.M. Anscombe, "On the Source of the Authority of the State," in *Ethics, Religion and Politics: Collected Philosophical Papers*, vol. 3. Robert Paul Wolff's *In Defense of Anarchism* challenges the legitimacy of state authority. For an illuminating discussion of the practice of ancient slavery and Aristotle's argument for its legitimacy, see Bernard Williams, *Shame and Necessity*, chap. 5. Robert Filmer's views are discussed in Johann Sommerville's introduction to *Patriarcha and Other Writings* and in Peter Laslett's introduction to John Locke's *Two Treatises of Government*; note that in the first of these two treatises Locke mounts a sustained series of counterarguments against Filmer's views. Writings representative of the debate between divine rights theorists and consent-based theorists in the early modern period in England can be found in David Wootton, ed., *Divine Right and Democracy: An Anthology of Political Writing in Stuart England*. Within the voluminous literature discussing Plato's political views, the reader may find particularly valuable Gregory Vlastos's essays "The Theory of Social Justice in the Polis in Plato's *Republic*," in Gregory Vlastos, *Studies in Greek Philosophy*, vol. 2, and "Justice and Happiness in the *Republic*," in Gregory Vlastos, ed., *Plato: A Collection of Critical Essays*, vol. 2. For a discussion of Plato's political views in the context of his ethics, see Terence Irwin, *Plato's Ethics*. For specific discussions of Plato's political works, see Julia Annas, *An Introduction to Plato's Republic*; R. F. Stalley, *An Introduction to Plato's Laws*; and Julia Annas's introduction to Plato's

*Statesman*, trans. Robin Waterfield. For useful discussions of Aristotle's political views, see the essays in David Keyt and Fred D. Miller, eds., *A Companion to Aristotle's Politics*, and Fred D. Miller, *Nature, Justice and Rights in Aristotle's Politics*.

### Notes

1. G.E.M. Anscombe, "On the Source of the Authority of the State," *Ethics, Religion and Politics: Collected Philosophical Papers*, vol. 3 (Minneapolis: University of Minnesota Press, 1981), p. 136.
2. For a discussion of the way in which governments are prima facie coercive and thus morally unacceptable, see Robert Paul Wolff, *In Defense of Anarchism* (New York: Harper and Row, 1970), chap. 1.
3. From W. S. Churchill, *The Gathering Storm* (1948), chap. 8; quoted in *The Oxford Dictionary of Quotations* (Oxford: Oxford University Press, 1992), p. 662.
4. For this definition, I am indebted to Joseph Raz's definition of political authority in *The Authority of Law* (Oxford: Clarendon Press, 1979) and in *Raz's Morality of Freedom* (Oxford: Clarendon Press, 1986). But I have not explicated at any length Raz's notion of "exclusionary reasons" and their connection to political obligation; I discuss this concept briefly in Chapter 3. For a discussion of Razian ideas of political authority, see Leslie Green, *The Authority of the State* (Oxford: Clarendon Press, 1984), pp. 41–42. For an interesting early discussion of state authority, see Anscombe, "On the Source of the Authority of the State," pp. 130–155.
5. Famous Russian anarchists include Mikhail Bakunin, Sergei Nechaev, and Pyotr Kropotkin. The French thinker Pierre-Joseph Proudhon was an anarchist, and in America the view was vigorously advocated by Benjamin Tucker, Charles Mowbray, and Henry David Thoreau. In his essay "Civil Disobedience" (1849), Thoreau advocates rejecting the control of the state because we can, he says, intuitively perceive what is right, and on the basis of that perception we should, he says, wage a "peaceful revolution" against our governments and all their abuses by withdrawing all of our forms of support from them. (He himself refused to pay his taxes.) For a discussion of well-known anarchists of the nineteenth and twentieth centuries, see Paul Avrich, *Anarchist Portraits* (Princeton: Princeton University Press, 1988). For a contemporary discussion, see Wolff, *In Defense of Anarchism*.
6. These three ways may represent a gradual progression of thought, from close identification of the ruler with God to a looser linkage in which the ruler is granted divine authority but is not himself divine, as people became more skeptical of a ruler's invocation of divine status or divine connections. I am indebted to Ken O'Day for suggesting this idea.
7. In ancient Egypt, Babylonia, and Phoenicia, legend made the gods the first kings of the people, and certain kings thereafter were often thought to have been gods. See C. J. Gadd, *The Ideas of Divine Rule in the Ancient East* (London: Oxford University Press, 1945), esp. pp. 33–36.
8. See *ibid.*, p. 45.
9. Robert Filmer, *Patriarcha*, in *Patriarcha and Other Writings*, ed. Johann Sommerville (Cambridge: Cambridge University Press, 1991).

10. See John Dunn, *The Political Thought of John Locke* (Cambridge: Cambridge University Press, 1969).

11. Quoted in Bertrand de Jouvenal, *Power: The Natural History of Its Growth*, trans. J. F. Huntington (London: Hutchison, 1948), chap. 2; and in Robert Stewart, comp., *A Dictionary of Political Quotations* (London: Europa Publications, 1984). Believing such ideas probably didn't help Charles rule in a subject-friendly way, and he was eventually beheaded by revolutionaries in 1649. For more on the use of the divine authority by British kings, see John Figgis, *Divine Right of Kings* (Cambridge: Cambridge University Press, 1904).

12. Filmer's title raised a sticky issue for him: Can a woman be the absolute ruler? That England was ruled very successfully by Elizabeth I made it difficult for him to answer that question negatively. John Locke attacked the idea that political authority was like parental authority in the first treatise of his *Two Treatises of Government*, ed. Peter Laslett (Cambridge: Cambridge University Press, 1988). (Would you want your father to have the kind of power over you that Filmer credits to a king?)

13. From James's speech to Parliament, 21 March 1609.

14. Locke, discussing Filmer's position in *Patriarcha*, in the First Treatise of his *Two Treatises of Government*, chap. 5, sec. 10, p. 143.

15. In Morocco the ruler is supposed to have divine authority to rule by virtue of being descended from the prophet Mohammed. In claiming descent from the prophet, the king claims to possess *baraka* (roughly translated as "blessedness"), which is able to descend in genealogical lines. It is interesting that the title of the ruler is "commander of the faithful." For more on the origins and functions of Moroccan kings' claim to be divinely authorized to rule and the way it has contributed to the present king's highly autocratic regime, see Dale F. Eickelman, *Moroccan Islam* (Austin: University of Texas Press, 1976), pp. 25 ff.; and John Waterbury, *The Commander of the Faithful: The Moroccan Political Elite—A Study in Segmented Politics* (New York: Columbia University Press, 1970). I am grateful to Thomas Parks for providing me with information on Moroccan politics.

16. And yet King James tried to argue that the theory did place some constraints on the king. In his speech to Parliament in 1609, he maintains that a king is under an obligation to rule according to his own laws and not to rule using capricious ad hoc commands. If he does so, James says, "God never leaves Kings unpunished when they transgress their limits"—which is why, says James, no matter how godlike kings are, God still ensures that kings "die like men" and are thus vulnerable to divine punishment.

17. However, as I noted above, the view has persisted into the twentieth century. Even today the king of Morocco claims divine entitlement to rule (see note 15 above). And this view played a powerful role in twentieth-century political events in virtue of the way Japanese politics was influenced prior to and during World War II by the belief that the emperor of Japan was divine.

18. For discussions of these two types of position, see Lynn White, "The Historical Roots of Our Ecological Crisis," *Science* 211–212 (1967): 1203–1207; Lloyd Steffen, "In Defense of Dominion," *Environmental Ethics* 13 (1992): 63–80; Tom Regan, *The Case for Animal Rights* (Berkeley: University of California Press, 1983); Peter Singer and Tom Regan, eds., *Animal Rights and Human Obligations* (Englewood

Cliffs, N.J.: Prentice-Hall, 1989); and Peter Singer, ed., *In Defence of Animals* (Oxford: Blackwell, 1985).

19. William Shakespeare, *Macbeth* (speech by Lennox to Macduff), act 2, scene 3.

20. For a work that suggests this line of thought, see Steven Goldberg, *The Inevitability of Patriarchy* (New York: William Morrow, 1973).

21. Aristotle, *The Politics*, trans. T. A. Sinclair, rev. Trevor J. Saunders (Harmondsworth: Penguin, 1992), book 1, chap. 5, 1254b16–20, pp. 68–69.

22. *Ibid.*, 1254b21, p. 69.

23. *Ibid.*, chap. 13, 1260a12, p. 95.

24. In general Aristotle does not connect natural slavery with certain ethnic backgrounds, unlike many Greeks of his time, but there is some suggestion of these ideas in *The Politics*—for example, when he says that barbarians fail to treat women differently from slaves because everyone among them is like a slave (book 1, chap. 2, 1252a34, p. 57). See Bernard Williams, *Shame and Necessity* (Berkeley: University of California Press, 1993), p. 115.

25. From H. Manly, *The South Vindicated from the Treason and Fanaticism of the Northern Abolitionists* (1836; reprint, New York: Negro Universities Press, 1969), p. 105.

26. Aristotle, *The Politics* book 1, chap. 6, 1255b8–15, p. 73.

27. Manly, *The South Vindicated*, p. 105.

28. Bernard Williams has a discussion of Aristotle's attempt to legitimate slavery as not only socially necessary but also just to the individuals involved, if the roles of slave and master are assigned properly; see his *Shame and Necessity*, chap. 5.

29. Aristotle, *The Politics*, book 1, chap. 13, 1259a12, p. 95.

30. *Ibid.*, chap. 5, 1254b10, p. 68.

31. *Ibid.*, 1254b15, p. 68.

32. From *The Works of John Knox*, ed. David Laing (Edinburgh: AMS Press, 1966), vol. 4, p. 373.

33. *Ibid.*, p. 374.

34. See Rousseau's *Emile*, ed. Allan Bloom (New York: Basic Books, 1979), especially the opening of book 5, pp. 357–363.

35. One scholar who believes Aristotle succeeds in walking this tightrope is William W. Fortenbaugh, "Aristotle on Slaves and Women," in Jonathan Barnes, Malcolm Schofield, and Richard Sorabji, eds., *Articles on Aristotle*, vol. 2 (London: Duckworth, 1977). For a powerful argument that he fails, see Williams, *Shame and Necessity*, esp. pp. 113–117.

36. In *A Vindication of the Rights of Woman* (1792; reprint, Harmondsworth: Penguin, 1978), Mary Wollstonecraft replies to the analysis of women that appears in *Emile*. She maintains that some women do seem to match Rousseau's description of the female to an extent because their society has reared them to have the characteristics he describes. She thus notes the power that socialization has to affect a person's "nature" in a way that will advantage those who wish to dominate over her.

37. John Stuart Mill makes this point in *The Subjection of Women*, in *Essays in Sex Equality by John Stuart Mill and Harriet Taylor Mill*, ed. Alice Rossi (Chicago: University of Chicago Press, 1970). See also Claudia Card, "Rape as a Terrorist Institu-

tion," in R. G. Frey and Christopher Morris, eds., *Violence, Terrorism and Justice* (Cambridge: Cambridge University Press, 1991).

38. But it is unclear the extent to which the author of the document, Thomas Jefferson, thought that "men" included women. It wasn't until 1920 that women were granted suffrage in the country that Jefferson's doctrine helped to found.

39. Plato, *Republic*, trans. G.M.A. Grube, rev. C.D.C. Reeve (Indianapolis: Hackett, 1992), book 4, 420b, p. 95.

40. *Ibid.*, book 9, 572a–c, p. 242.

41. *Ibid.*, book 6, 508b–c, p. 182.

42. *Ibid.*, book 3, 415a–c, pp. 91–92.

43. *Ibid.*, book 7, 518c, p. 190.

44. *Ibid.*, book 4, 421a, p. 96.

45. *Ibid.*, book 7, 540a, p. 211.

46. However, in his later dialogue *The Statesman*, Plato is more willing to recognize the likelihood that rulers will be not only fallible but even evil, and he is grudgingly appreciative of democracy insofar as rule by the whole people can provide a powerful check on the evil ambitions of a few.

47. See Aristotle, *The Politics*, book 3, chap. 17, 1288a15, p. 230; and book 3, chap. 13, 1284a7–9, p. 215.

48. *Ibid.*, chap. 9, 1281a, p. 198.

49. *Ibid.*, book 7, chap. 8, 1328a33–1328b1, p. 413.

50. See *ibid.*, book 3, chap. 15, 1286a25, p. 222.

51. See Charles Kahn, "The Origins of Social Contract Theory," in G. B. Kerferd, ed., *The Sophists and Their Legacy* (Wiesbaden, Germany: Franz Steiner Verlag, 1981), pp. 92–108. Note that the author of *Sisyphus* may have been the writer Critias.

52. Quoted and translated by Kahn, *ibid.*, p. 97; this passage can also be found in Kathleen Freeman, *Ancilla to the Pre-Socratic Philosophers* (Cambridge: Harvard University Press, 1948), pp. 157–158 (Diels-Kranz edition: DK 88, B 25).

53. See *Protagoras*, trans. W.R.M. Lamb (Cambridge: Harvard University Press, 1967), 322a–b; *Laws*, trans. A. E. Taylor (London: Dent, 1960), book 3, 678e ff., 680e ff., 681d7, 683a7; and *Republic*, book 2, 358e–359b.

54. This distinction is fundamental to what is called the "positivist" theory of law, the most prominent exponents of which are J. Austin and H.L.A. Hart. See Austin's *Province of Jurisprudence Determined*, ed. Wilfred E. Rumble (Cambridge: Cambridge University Press, 1995), and Hart's *Concept of Law* (Oxford: Clarendon Press, 1961).

55. Aristotle, *The Politics*, book 4, chap. 11, 1295b24–27, p. 267; and see 1295b34.

56. *Ibid.*, book 5, chap. 11, 1313a19–21, p. 344.

## 2

# Modern Social Contract Theories

To understand Political Power right, and derive it from its Original, we must consider what State all Men are naturally in, and that is, a *State of perfect Freedom* to order their Actions, and dispose of their Possessions, and Persons as they think fit, within the bounds of the Law of Nature, without asking leave, or depending upon the Will of any other Man.

—John Locke, *Two Treatises of Government*, Second Treatise, sec. 4

The idea that political authority should be understood as consent-based has enjoyed enormous popularity in modern times and is the foundation of a kind of political justification for the state called a *social contract argument*. Indeed, the consent-based view has been so thoroughly associated in the modern mind with the idea of a social contract that most philosophers unthinkingly identify them. (This is one reason Aristotle's use of consent-based ideas has been missed, since he does not link consent to the idea of a contract.) But a social contract argument is only one way to develop a consent-based view, albeit the most popular (and for many) the most plausible way of doing so. In this chapter we examine the structure of two of the most famous of these arguments, put forward by Thomas Hobbes (1588–1679) and John Locke (1632–1704), to see if either argument can provide a successful answer to the anarchists' challenge to the legitimacy of the state. Despite the considerable appeal and popularity enjoyed by social contract arguments—particularly the Lockean variant—we shall see after an examination of these arguments that this way of developing a consent-based theory of political authority is beset with problems.